

THE
WESLEYAN CONFERENCE.
ITS
DUTIES AND RESPONSIBILITIES:
WITH
A VINDICATION
OF
ITS RECENT ACTS OF DISCIPLINE

BY THOMAS JACKSON,
PRESIDENT OF THE CONFERENCE, MDCCCLIX.

PURGE out therefore the old leaven, that ye may be a new lump, as ye are unleavened. For even Christ our Passover is sacrificed for us: therefore let us keep the feast, not with old leaven, neither with the leaven of malice and wickedness; but with the unleavened bread of sincerity and truth.—1 Cor. v. 7, 8.

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ADVERTISEMENT.

THE author of this pamphlet, having had the honour to be elected President of the late Wesleyan Conference, held in Manchester, by the suffrages of his brethren, feels himself called upon to explain and vindicate some of its proceedings, concerning which much misapprehension prevails, and no small amount of misrepresentation and censure has been advanced ; but which he conceives to be in full accordance with the rules and usages of the Wesleyan body, and defensible upon principles that are generally recognised and acted upon in social life, as well as upon Scripture grounds.

Richmond, September 12th, 1849

TIII.

WESLEYAN CONFERENCE.

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“LET not then your good be evil spoken of.” This apostolic precept is of general application, and is therefore binding upon the professors of Christianity throughout all time. When misapprehensions prevail respecting their conduct, or respecting their principles of action, so as to be made matter of serious blame, it is the duty of the parties accused to give such explanations as may be requisite in order to a just understanding of the case, so that evil surmising and evil speaking may, as much as possible, be prevented. The Wesleyan Conference, during its late sittings in Manchester, performed certain acts of discipline upon some of its members; and that as matter of painful, but of imperative, duty. Concerning these acts a large amount of clamour has been raised. The men upon whom they were passed have visited various towns, where they have convened mixed assemblies, before which they have stated their alleged wrongs; the public press, to some extent, has not only echoed their complaints, but espoused their cause; several persons belonging to the Wesleyan societies have declared themselves to be grievously offended; and Christians of other denominations have expressed a desire to understand the true nature of the affair, that they may be able to ascertain whether or not an ecclesiastical censure has been righteously administered, or the commands of Christ have been violated by a body of men who are pledged to act in accordance with them.

It is for the purpose of conveying what the writer con-

ceives to be a correct view of the subject, that the following statement has been drawn up, and is now submitted to the consideration of all who feel an interest in the matter.

THE WESLEYAN CONFERENCE.

THE Wesleyan-Methodist Conference, as it at present exists, is constituted by Mr. Wesley's "Deed of Declaration," which bears the date of Feb. 28th, 1784, and which he enrolled in the High Court of Chancery, in which Court it has been repeatedly recognised, as binding upon the entire Connexion. It consists of one hundred Ministers, and of an indefinite number of others who are voluntarily associated with them; and was intended by its venerable Founder to carry out and perpetuate those plans which he had previously formed for the spiritual benefit of mankind, and upon which the divine blessing had manifestly rested. He invested this body with various rights; but those rights involve some of the most solemn and momentous trusts that were ever committed to human beings. To the Conference is confided the task of admitting men to the evangelical ministry in the Wesleyan section of the Christian church, after the people have, in their Quarterly-Meetings, expressed a persuasion that the parties are duly qualified for that sacred calling; of guarding the orthodoxy, the spirituality, and the purity of that ministry; and of securing the efficient discharge of its sacred duties; of appointing Ministers to the occupancy of the Wesleyan pulpits throughout the United Kingdom, and to the pastoral charge of the societies. The Conference is intended so to fulfil these sacred trusts, as to be a means of raising up a people who shall be examples of Christian holiness in all the relations of life: for the Wesleyan ministry was never designed to accomplish either secular or party objects. "I am sick of opinions," says Mr. Wesley, "I am weary to bear them.* My soul loathes this

* By "opinions," it is manifest from the general tenor of Mr. Wesley's writings, he meant, not the truths of Christianity, as some of his adversaries have insinuated, particularly the late Archbishop Magee. These are

frothy food. Give me solid and substantial religion ; give me an humble, gentle lover of God and man ; a man full of mercy and good fruits, without partiality, and without hypocrisy ; a man laying himself out in the work of faith, the patience of hope, the labour of love. Let my soul be with these Christians, wheresoever they are, and whatsoever opinion they are of. ‘Whosoever’ thus ‘doeth the will of my Father which is in heaven, the same is my brother, and sister, and mother.’”*

The manner in which Mr. Wesley intended the Conference to fulfil its momentous trust, is to be learned from his own example ; for a Conference with his Preachers was held by him every year through the greater part of his public life ; and the method which he adopted in conducting these assemblies he unquestionably designed to be followed by the men whom he appointed to take his place when his spirit had returned to God. Now it was an essential part of his plan to subject his Preachers to a personal examination, not only when they were accepted as fellow-labourers, but at every Annual Conference to the end of their lives. The same plan has been strictly followed to the present day ; so that every man who for the last hundred years has entered into this ministry, has entered it with this understanding ; and this annual examination has included, not merely inquiries respecting the character and conduct of the Preachers, addressed to other parties ; but, in all cases where it was deemed necessary, questions affecting their own views and deportment have been addressed to the Preachers themselves, which they have been expected and required to answer. This fact is proved beyond all controversy by the Minutes of the successive Conferences,

not “opinions, but eternal verities, which men are bound to receive upon the testimony of God himself. He meant a cold and formal assent to the Gospel, while the heart remains unchanged, and the life unreformed, and especially matters of doubtful disputation, concerning which persons of equal piety may innocently differ ; and yet which some persons have made the subjects of angry controversy, as if the whole of religion consisted in an adherence to them in some of their modifications

* Wesley's Works, vol. viii., p. 244. Octavo edit.

which have been published, and are therefore accessible to all classes of readers. At the very first Conference, which was held in the year 1744, this kind of examination was distinctly recognised, and that as matter of course, as the following question and answer show :—

“ Q. Do we sufficiently watch over our Helpers? *

“ A. We might consider those that are with us as our pupils, *into whose behaviour and studies we should therefore make a particular inquiry every day.* Should we not frequently ask each, Do you walk closely with God? Have you now fellowship with the Father and the Son? At what hour do you rise? Do you punctually observe the morning and evening hour of retirement? Do you spend the day in the manner which we advise? Do you read the books we advise, and no other? Do you fast as often as your health will permit? Do you converse seriously, usefully, and closely? Do you pray before, and have you a determinate end in, every conversation? ” †

The following extracts from the Minutes of successive Conferences will show how this recognised principle of personal examination was acted upon :—

CONFERENCE OF 1746.

“ Q. How shall we try those who think they are moved by the Holy Ghost, and called of God, to preach?

“ A. Inquire, 1. *Do they know God, as a pardoning God? Have they the love of God abiding in them? Do they desire and seek nothing but God?* and are they holy in all manner of conversation?

“ 2. Have they gifts (as well as grace) for the work? Have they (in some tolerable degree) a clear, sound understanding? Have they a right judgment in the things of

* During Mr. Wesley's life-time the Preachers who had the care of Circuits were called “ Assistants; ” their colleagues were denominated “ Helpers; ” both of them at first acted under the joint direction of John and Charles Wesley. At length Charles declined this kind of service; and John took upon himself the oversight of the Preachers and societies generally.

† Minutes of Conference, vol. i., p. 16.

God? Have they a just conception of salvation by faith? and has God given them any degree of utterance? Do they speak justly, readily, clearly?

“3. Have they fruit? Are any truly convinced of sin, and converted to God, by their preaching?

“As long as these three marks concur in any, we believe he is called of God to preach. These we receive as a sufficient proof that he is moved thereto by the Holy Ghost.

“Q. But how shall we know whether they concur or not in any particular person?

“A. 1. If he is near us, *we will talk with him* on the three preceding heads, and then hear him preach.

“2. We will *desire him to write down* or relate the reasons why he thinks he is called of God thereto.

“3. We will examine those who seem to have been convinced of sin, or converted to God, by his preaching.

“4. If he is at a distance, we will *desire the Assistant to do this*; and to inquire what is the judgment of the society in that place concerning him.

“Q. What method may we use in receiving a new Helper?

“A. A proper time for doing this is at a Conference, after solemn fasting and prayer.”*

CONFERENCE OF 1766.

At this Conference eleven Preachers were admitted into full connexion, all of whom were subjected to the following examination:—

“*William Ellis, have you faith in Christ? Are you going on to perfection? Do you expect to be perfected in love in this life? Are you groaning after it? Are you resolved to devote yourself wholly to God and his work?*”

“*Do you know the Methodist doctrine?* Have you read the Sermons? the Notes on the New Testament?

“*Do you know the Methodist plan?* Have you read the Plain Account? the Appeals?

* Minutes of Conference, vol. i., pp. 29-30.

“ Do you know the Rules of the Society ? of the Bands ?
Do you keep them ?

“ Do you take no snuff ? tobacco ? drams ?

“ Do you constantly attend the church and sacrament ?

“ *Have you read the Minutes ? Are you willing to conform to them ?*

“ *Have you considered the twelve rules of a Helper ? especially the first, tenth, and twelfth ?*

“ *Will you keep them for conscience' sake ?*

“ *Are you determined to employ all your time in the work of God ?*

“ Will you *preach every morning and evening*, endeavouring not to speak too loud, or too long ? not lolling with your elbows ? Have you read the Rules of Action and Utterance ?

“ *Will you meet the society, the bands, the select society, the Leaders of bands and classes in every place ?*

“ *Will you diligently and earnestly instruct the children, and visit from house to house ?*

“ *Will you recommend fasting, both by precept and example ?*

“ The same questions were proposed to the rest severally before they were admitted.” *

CONFERENCE OF 1770.

“ Q. Two years ago it was agreed that Itinerant Preachers ought not to follow trades. How can we secure the observance of this ?

“ A. It is agreed, by all the brethren now met in Conference this 9th day of August, 1770, that no Preacher who will not relinquish his trade of buying and selling, or making and vending pills, drops, balsams, or medicines of any kind, shall be considered as a Travelling Preacher any longer. And that *it shall be demanded of all those Preachers who have traded in cloth, hardware, pills, drops, balsams, or medicines of any kind, at the next Conference, whether they have entirely left it off or not ?*” †

* Minutes, vol. i., pp. 52. 53.

† Ibid., pp. 89, 90.

CONFERENCE OF 1776.

“Q. Are there any objections to any of our Preachers?

“A. Yes. It is objected that some are utterly unqualified for the work; and that others do it negligently, as if they imagined they had nothing to do but to preach once or twice a day.

“In order to silence this objection for ever, which has been repeated ten times over, *the Preachers were examined at large, especially those concerning whom there was the least doubt.* The result was, that *one was excluded for insufficiency: two, for misbehaviour:* and we were thoroughly satisfied that all the rest had both grace and gifts for the work wherein they are engaged. I hope, therefore, we shall hear of this objection no more.”*

CONFERENCE OF 1777.

“Q. Are there any objections to any of our Preachers?

“A. Yes. It is objected that most of them are not called of God to preach. This deserves our serious consideration. In the Large Minutes we ask, ‘How shall we try those who think they are called by the Holy Ghost to preach?’

“Q. Is this method of trial sufficient? can we find a better? Weigh this matter impartially

“A. We cannot find any better method; any more scriptural, or more rational.

“Q. But suppose they were called once, have not many of them forfeited their calling?

“A. *Examine them one by one;* and whoever has any objection or doubt concerning any one, let him now speak without any disguise or reserve, or for ever hold his peace.”†

CONFERENCE OF 1791.

Mr Wesley died on the 2d of March this year; and the Conference, when assembled in the month of July follow

* Minutes, vol. 1, p. 122.

† Ibid., pp. 128, 129.

ing, made the subjoined entry in their Journal:—"It may be expected that the Conference make some observations on the death of Mr. Wesley; but they find themselves utterly inadequate to express their ideas and feelings on this awful and affecting event. Their souls do truly mourn for their great loss; and they trust they shall give the most substantial proofs of their veneration for the memory of their esteemed Father and Friend, by endeavouring, with great humility and diffidence, *to follow and imitate him in doctrine, discipline, and life.*" *

It is added, in the Minutes of the same Conference, "Is it necessary to enter into any engagements in respect to our future plan of economy?"

"A. *We engage to follow strictly the plan which Mr. Wesley left us at his death.*" †

CONFERENCE OF 1802.

"Q. Can any improvement be made in our present mode of receiving Preachers on trial?"

"A. At present the Candidate is supposed to have passed the Quarterly-Meeting, from which he is recommended to the District-Meeting. In addition to this, let him, if possible, *attend the District-Meeting, and be examined before all the brethren present*, respecting his *experience, his knowledge of divine things, his reading, his views of the doctrines of the Gospel, and his regard for Methodism in general*. The Preacher who examines him shall be chosen by the ballot of the District-Committee. After the examination, the Candidate shall withdraw, and the Committee shall deliberate on the propriety or impropriety of his admission on trial; and determine whether he shall be recommended to the ensuing Conference or not. If it be not convenient for the Candidate to attend the District-Meeting, three of the Committee shall be chosen by ballot, and appointed to act in this instance for the District." ‡

* Minutes, vol. i., p. 234.

† Ibid., p. 246

‡ Ibid., vol. ii., p. 142.

CONFERENCE OF 1804.

“Q. What directions shall be given in respect to those Preachers to be received on trial, who have not been examined by the District-Committee?

“A. They shall be *examined respectively by the three nearest Superintendents.*” *

CONFERENCE OF 1805.

“Q. Are not some of the younger Preachers in danger of departing from our leading doctrines?

“A. We fear they are; and resolve that, in future, before any Preacher be admitted into full connexion, *he shall be required to give a full and explicit declaration of his faith, as to those doctrines, in the presence of the Conference.*” †

CONFERENCE OF 1807.

“Q. Can any improvement be made in our present mode of admission into full connexion?

“A. After the present year, *no Preacher*, unless employed in the Foreign Missions, shall be entered on our Minutes, as admitted into full connexion with us, without being present at the Conference, and *personally examined there.* Every Preacher who has travelled four years shall be at liberty to attend the Conference for this purpose; and if he omit to avail himself of such liberty, he shall be considered as still remaining on trial.” ‡

CONFERENCE OF 1812.

“Q. Is any regulation necessary respecting the annual examination of Preachers in our District-Meetings?

“A. Let it be clearly understood that every Chairman is required to ask the following questions, *distinctly and successively*, concerning *every brother*; viz.,

“1. Is there any objection to his *moral and religious* character?

* Minutes, vol. ii., p. 241.

† Ibid., p. 290

‡ Ibid., p. 402

"2. Does he *believe* and *preach* our *doctrines* ?

"3. Has he duly observed and enforced our *discipline* ?

"4. Has he competent *abilities* for our itinerant work ?

—A *separate* answer to *each of these questions* is expected to appear in the District-Minutes."*

CONFERENCE OF 1815.

"Q. Can any additional methods be devised in order to promote the mental improvement of our Preachers ?

"A. The Chairmen of Districts shall, at each District-Meeting, *examine every Preacher on trial respecting the course of theological reading* which he may have pursued in the course of the preceding year. For this purpose, every such Preacher is *required to deliver to the Chairman of his District a list of the books which he has read* since the preceding District-Meeting. These lists shall be laid before the Meeting, that the senior brethren may have an opportunity of giving to the junior Preachers such advices and directions respecting their studies as may appear to be necessary.

"2. Before any Preacher, having travelled four years, is recommended by his District-Meeting, for admission into full connexion, *he shall undergo a careful examination*, by the Chairman of that Meeting, respecting his *acquaintance with Mr. Wesley's Works* in general, and especially with his Sermons, and his Notes on the New Testament, in addition to the other examinations required by our existing rules : and *no Preacher shall be so recommended*, unless the result of his examination be *satisfactory to the Meeting*."†

CONFERENCE OF 1821.

"The Conference directs that in future *all the Preachers* who are recommended by their respective District-Meetings to be admitted into full connexion, shall be required to attend the Conference of *that year, to undergo the usual*

* Minutes, vol. iii., p. 295.

† Ibid., vol. iv., pp. 122, 123.

examinations; and, if approved, to be publicly set apart, without delay, to the Christian ministry ”*

CONFERENCE OF 1827

“Q. Can any additional securities be provided in reference to the character, qualifications, and scriptural orthodoxy of persons proposed as candidates for our ministry?

“A. The Chairmen of Districts are again required, not only *to examine very minutely*, in their District-Meetings, *all persons* proposed to travel *as Preachers among us*, but also to report distinctly in their District-Minutes, for the consideration of the Conference, the opinion of the District-Meeting, after such examination, respecting their *health, piety, moral character, ministerial abilities, knowledge and belief of our doctrines*, attachment to our *discipline*, and *freedom from debt*, as well as from all *secular incumbrances*. In the same District-Minutes, the Preacher who recommends any candidate shall state his age, and sign a recommendatory character of him, which may forthwith be copied, if the Conference receive such candidate upon trial, into the book provided for that purpose.”

“The Conference resolve, that it is the *acknowledged right*, and, under existing circumstances, the *indispensable duty*, of every Chairman of a District, *to ask all candidates* for admission upon trial amongst us, if *they believe the doctrine of the Eternal Sonship* of our Lord Jesus Christ as it is stated by Mr. Wesley, especially in his Notes upon the first chapter of the Epistle to the Hebrews, to be agreeable to the Holy Scriptures; and that also it is the *acknowledged right*, and, under existing circumstances, the *indispensable duty*, of the President of the Conference for the time being, *to examine particularly* upon that doctrine *every Preacher proposed to be admitted into full connexion*, and to require *an explicit and unreserved declaration* of his *assent to it*, as a truth revealed in the inspired oracles.”†

* Minutes, vol. v., pp. 253, 254

† Ibid., vol. vi., pp. 279, 280.

CONFERENCE OF 1835.

“It is indispensably necessary to the purity of our ministry, and to the spiritual welfare of our societies, to retain, and on all proper occasions to use, the *right of fully inquiring into the conduct of its own members*, and judicially dealing with them, which *the Conference, in its annual assemblies*, and (during the periods intervening between its yearly meetings) by means of its *District-Committees*, has *hitherto exercised*.”

“Q. Is it expedient, on account of recent occurrences, to re-assert, by *declaratory Resolutions*, any of our rules or usages, which individuals have attempted to contradict or pervert?

“A. We think it is expedient; and therefore the Conference *unanimously declares* as follows; viz.,

“1. That *not only the Conference, but all its District-Committees*, whether ordinary or special, possess the undoubted right of instituting, in their official and collective character, any *inquiry or investigation*, which they may deem expedient, into the *moral, Christian, or ministerial conduct of the Preachers* under their care, even although no formal or regular accusation may have been previously announced on the part of any individual; and that they have also the authority of coming to such decisions thereupon, as to them may seem most conformable to the laws of the New Testament, and to the rules and usages of our Connexion. In the District-Meetings, especially, the Chairman has the official right of originating such inquiries, if he think necessary; because our rule declares that ‘the Chairman of each District, in conjunction with his brethren of the Committee, shall be *responsible* to the Conference for the execution of the laws, as far as his District is concerned.’

“2. That *all Preachers* who desire to remain in ministerial communion with us are considered as retaining that communion *on the distinct condition*, that they hold themselves individually *pledged to submit*, in a peaceable and

Christian spirit, to the *usual disciplinary investigations*, not only of the Conference, but of all its District-Committees, whether ordinary or special, when summoned according to our rules and usages; and that any Preacher who refuses to submit to the friendly examination of the Chairman and of other brethren, or to take his trial, regularly and formally, before the Preachers either of an ordinary or of a special District-Committee, when duly required so to do, shall be considered as, *ipso facto*, incurring the penalty of suspension until the ensuing Conference; because *no possible security can be found even against the worst forms of moral or ministerial delinquency*, if persons charged with any misconduct, and summoned to trial, be allowed to evade with impunity our established *modes of investigation*." *

These extracts from the printed Minutes of the Methodist Conferences, extending through a period of more than ninety years, suggest the following observations:—

1. That the Wesleyan ministry has been uniformly guarded with singular vigilance and care. All the men who have been admitted into this ministry have from the beginning been subjected to the most searching scrutiny in respect of their personal piety, their knowledge of evangelical truth, their soundness in the faith, their ability to teach, and the purity of their morals. The reason for all this care is obvious. Mr. Wesley regarded the Christian ministry not as a mere profession, but as a divine vocation. He believed, in accordance with the Church to which he belonged, that every true Minister of the Gospel is called of God, and moved by the Holy Ghost, to take upon himself the sacred office which he sustains; and that upon the right discharge of its duties, the actual salvation of men is made to depend. He did not believe that men are made Christians by being born in a Christian country, and by an external conformity to the ordinances of the Gospel; but that, as all men are born in sin, and are by nature

children of wrath, so they can only be saved from sin, its guilt and curse, its misery, pollution, and reigning power, by a personal faith in Christ as their Redeemer, and their Advocate with God. Such a faith he believed to be the gift of God, preceded and accompanied by unfeigned repentance, followed by peace of conscience, by purity of heart, and by a holy life. As faith comes by hearing, and hearing by the word of God, so Mr. Wesley felt that all this amount of spiritual good is instrumentally produced by an evangelical ministry; but then he saw that, generally speaking, no man can successfully exercise such a ministry unless he himself be a witness of the power of Christianity. For, how can he who is himself unsaved adequately explain the nature and method of salvation to others? and how can an unsanctified man successfully exercise the pastoral charge over a spiritual people, or sympathize with them in all the trials, sorrows, and joys of the divine life? Methodism, as administered by Mr. Wesley, and by the Conference which he constituted, acknowledges no man as a true Minister and Pastor, unless he be personally reconciled to God, and so renewed in the spirit of his mind as to be able explicitly to testify, "I am crucified with Christ: nevertheless I live; yet not I, but Christ liveth in me: and the life which I now live in the flesh I live by the faith of the Son of God, who loved me, and gave himself for me."

2. The searching examinations to which the Wesleyan Ministers have from the beginning been subjected, have been personal. Candidates for this ministry, and men who were recognised as being in a state of complete union with the Conference, have all been expected to answer questions which were officially proposed to them. Not only have inquiries respecting their general spirit and behaviour been made of their colleagues and other persons, but the men themselves have been required to answer questions especially affecting their religious state, their belief, their regard for the Methodist economy, and their purpose to promote the objects of the Connexion in the

advancement of true religion. These are questions which none but the parties themselves could answer; and answers to them have been both demanded and given, and that as matter of course.

3. These examinations have been annual. Not only have the Methodist Preachers been personally examined when they were admitted upon trial, and when they were received into full ministerial connexion with their brethren; but it has also been their established practice once a year to institute an inquiry into the personal and ministerial character of every one of them, whether he be a Missionary or labour at home. "*Are there any objections to any of our Preachers?*" is a question which is proposed in every regular District-Meeting, and in every Conference; and the answer which is given in the printed Minutes is, "*They were examined one by one*." This practice, and the terms in which it is recorded, were both originated by Mr. Wesley. When the question, "Does he believe and teach our doctrines?" is proposed in the yearly District-Meeting, every individual is expected to answer for himself; and the call is generally responded to with the utmost promptitude and cheerfulness; for what have honest men to conceal? "For every one that doeth evil hateth the light, neither cometh to the light, lest his deeds should be reproved. But he that doeth truth cometh to the light, that his deeds may be made manifest, that they are wrought in God." (John iii. 20, 21.) In respect of this yearly examination of character, the Wesleyan economy differs from that of almost every other community. In the Church of England, and in the Church of Scotland,* for

*The form of examination which is practised in the Church of England may be seen by a reference to the Book of Common Prayer. The following are the questions to which the Church of Scotland requires an answer from each of her Ministers on his appointment to the sacred office:— "After the sermon, the Minister who hath preached shall, in the face of the congregation, demand of him who is now to be ordained, concerning his faith in Christ Jesus, and his persuasion of the truth of the Reformed religion, according to the Scripture—his sincere intentions and ends in

instance, Ministers undergo a close examination at the time of their ordination ; but in after-life, unless complaint be preferred against them, it does not appear that inquiries are ordinarily made into their spiritual state, or into the manner in which they discharge their public and official duties. Whereas Mr. Wesley thought that a man might be called of God to preach the Gospel, and afterwards forfeit that call by unfaithfulness ; or that he might depart from the truth, lose the spirit of his calling, and so need reproof and godly admonition. The true spirit of the sacred office can only be preserved by incessant vigilance and prayer ; so that whatever may be the natural and acquired abilities of a Minister, if he sink into a state of mental indolence, become self-indulgent, worldly in his disposition, vain and trifling in his conversation, ceasing to “watch for souls as they that must give account,” he becomes rather a burden than a blessing to the people ; and unless he can be roused to a due feeling of his responsibilities, the sooner he is superseded in his office the better. Even men that were disabled by the infirmities of age for the efficient discharge of ministerial duties, Mr. Wesley declined to appoint to the full labours of a Circuit.*

desiring to enter into this calling : his diligence in praying, reading, meditation, preaching, ministering the sacraments, discipline, and doing all ministerial duties towards his charge ; his zeal and faithfulness in maintaining the truth of the Gospel, and unity of the church, against error and schism ; his care that himself and his family may be unblameable and examples to the flock ; his willingness and humility, in meekness of spirit, to submit unto the admonitions of his brethren, and discipline of the church ; and his resolution to continue in his duty against all trouble and persecution.

“In all which having declared himself, professed his willingness, and promised his endeavours, by the help of God ; the Minister likewise shall demand of the people concerning their willingness to receive and acknowledge him as the Minister of Christ.”

* “In the Large Minutes, Q. 25, it is asked, What is the office of an Helper ? It is answered, ‘To preach morning and evening.’ Therefore none who does not can perform this office.

4. These strict examinations are indispensably necessary in order that the Conference may be able to fulfil its trusts with conscientiousness and fidelity. We have seen that upon the Conference devolves the task of appointing Ministers to the different chapels of the Connexion, and to the pastoral oversight of the societies. Who can estimate the amount of responsibility which this task involves ! How can this trust be fulfilled, so that its great object may be realized in the conversion and salvation of men, that the approval of the Lord Jesus may be secured, and that the parties who execute it may have a conscience void of offence ? The answer is, By a strict adherence to first principles ; by selecting spiritual men, duly qualified ; men of faith and holy zeal, who will give themselves to prayer, and to the ministry of the word ; men who love the souls of their fellow-creatures, perishing in ignorance and sin, with a passion like that which brought the Son of God from heaven to die for our guilty race. But in order that the Conference may faithfully fulfil this most solemn trust, it must satisfy itself, by strict examinations, and every other available means, that the Ministers whom it yearly sends forth and sanctions are not only outwardly blameless, but that they also “ live in the Spirit, and walk in the Spirit.”

5. The Methodist societies and congregations generally are interested in this part of our economy, and are bound to maintain it. The Conference exists not for its own benefit merely, but for the benefit of the Connexion, with whose best and dearest interests it is intrusted ; and hence Mr. Wesley denominated it, “ The Conference of the people called Methodists.” It is bound to regard the people’s spiritual benefit, to the utmost limit of its power, by providing for them a holy, enlightened, and efficient

“ *But he cannot.*” Perhaps so. Then he cannot undertake this office.

“ *I did this for many years. But I cannot do it any longer.*” Then you can no longer undertake this office. But you may be a Superintend-
 merary, as John Furz and Richard Seed are. (Minutes of Conference vol. i., p. 160.)

ministry. To most of the congregations and societies, the Preachers, when they are first sent, are entire strangers ; but they are found to preach the same doctrines, breathe the same spirit, pursue the same objects, and adopt the same plans of operation, that their predecessors did ; so that the ministerial succession is perceived and felt to be unbroken. Wesleyan Ministers all walk by the same rule, and mind the same thing. They are therefore received into the houses of our people with a cordial welcome ; and the congregations confess that, although their Pastors change and itinerate, the Gospel trumpet, as it is heard from their pulpits, never gives an uncertain sound. The same truth is preached ; the same divine influence is invoked and obtained ; the same results follow, in the conversion of sinners, and the establishment of believers. But these objects could never be obtained, were it not for the kind fidelity with which the Methodist Preachers watch over each other, and the care which is taken by the Conference, that the men whom it appoints understand the Gospel of God, and are imbued with its spirit.

6. The Wesleyan Ministers stand in a near and peculiar relation to one another ; and this is an additional reason for those faithful examinations to which they voluntarily submit. In the national Churches of England and Scotland, the Ministers express their assent to the same creed, use the same forms of public worship, and acknowledge the same ecclesiastical order and government ; but as each Minister has his own distinct and separate charge, and seldom occupies any pulpit but his own, there is not among them the very close and intimate union which subsists among the Ministers of the Wesleyan body ; who succeed each other in the different Circuits, sustain the pastoral relation to the same people, and hold precisely the same views of divine truth : for the Wesleyan Ministers have never tolerated among themselves that diversity of theological opinion which prevails in the two national Churches just mentioned. Unless, therefore, the Minis-

ters belonging to the Wesleyan community have an entire confidence in one another, accompanied by a tender and cordial affection, their very union is to them a constant source of irritation, and they can never co-operate with satisfaction and comfort for the advancement of their common object, the spread of Christian holiness throughout the world. With the necessity of this mutual confidence and affection among his Preachers, Mr. Wesley was early impressed; and hence many touching and instructive references are made to the subject in the Conference Minutes. The following are examples :—

CONFERENCE OF 1744.

“ Q. What can be done in order to a closer union of our Helpers with each other ?

“ A. 1. Let them be deeply convinced of the want there is of it.

“ 2. Let them pray for an earnest desire of union.

“ 3. Let them speak freely to each other

“ 4. When they meet, let them never part without prayer

“ 5. Let them beware how they despise each other's gifts.

“ 6. Let them never speak slightly of each other in any kind.

“ 7. Let them defend one another's character, in everything, to the utmost of their power. And,

“ 8. Let them labour in honour each to prefer the other before himself.” *

CONFERENCE OF 1769.

“ It has long been my desire that all those Ministers of our Church who believe and preach salvation by faith, might cordially agree between themselves, and not hinder but help one another. After occasionally pressing this in private conversation, wherever I had opportunity, I wrote

down my thoughts upon the head, and sent them to each in a letter. Out of fifty or sixty to whom I wrote, only three vouchsafed me an answer. So I give this up. I can do no more. They are a rope of sand, and such they will continue.

“But it is otherwise with the Travelling Preachers in our Connexion. You are at present one body. You act in concert with each other, and by united counsels. And now is the time to consider what can be done, in order to continue this union. Indeed, as long as I live there will be no great difficulty. I am, under God, a centre of union to all our Travelling as well as Local Preachers.

“They all know me and my communication. They all love me for my work’s sake: and therefore, were it only out of regard to me, they will continue connected with each other. But by what means may this connexion be preserved when God removes me from you?

“I take it for granted, it cannot be preserved, by any means, between those who have not a single eye. Those who aim at anything but the glory of God, and the salvation of men,—who desire or seek any earthly thing, whether honour, profit, or ease,—will not, cannot, continue in the Connexion; it will not answer their design.”*

CONFERENCE OF 1774.

“Q. Can anything be done now in order to lay a foundation for the future union of the Preachers? Would it not be well, for any that are willing, to sign some articles of agreement, before God calls me hence?

“A. We will do it. Accordingly the following paper was written and signed:—

“We, whose names are underwritten, being thoroughly convinced of the necessity of a close union between those whom God is pleased to use as instruments in this glorious work, in order to preserve this union between ourselves, are resolved, God being our helper,

* Minutes, vol. i., pp. 87, 88.

I. *To devote ourselves entirely to God*; denying ourselves, taking up our cross daily, steadily aiming at one thing, to save our own souls, and them that hear us.

II. *To preach the old Methodist doctrines*, and no other, contained in the Minutes of the Conferences.

III. *To observe and enforce the whole Methodist discipline*, laid down in the said Minutes.*

CONFERENCE OF 1775.

“Q. What Preachers signed the agreement to adhere to each other, and to the old Methodist doctrine and discipline?”

This question is answered by the signatures of nearly the entire body of the Preachers who were then in connexion with Mr. Wesley.†

CONFERENCE OF 1806.

“Q. How may the union of the brethren, who labour together in the same Circuit, be more effectually promoted?”

“A. 1. The Conference insists that no Helper shall countenance or encourage any person who opposes the Superintendent in the proper discharge of his official duties according to our rules.

“2. We advise the brethren to meet together once a week, or as often as it is practicable, in order to converse freely with each other, respecting the affairs of their Circuits.”‡

CONFERENCE OF 1827.

“The Preachers of different Circuits, when resident in the same town, are advised to meet at least once in every month, for the purposes of mutual conference and prayer; in order to promote brotherly love, and to afford frequent and regular opportunities for friendly consultation on subjects of common concern in their respective Circuits.”§

It has been felt, from the beginning, that Ministers who sustain a relation to each other, so intimate, peculiar, and

* Minutes, vol. i., p. 110.

† Ibid., pp. 121-122.

‡ Ibid., vol. ii., p. 348.

§ Ibid., vol. vi., p. 281.

delicate, must act towards each other with perfect openness and candour, otherwise their very union will rather be a bane than an advantage. Among them collisions of opinion would inevitably chafe their spirits, and mar the sacred work in which they are engaged.

ITS RECENT EXPULSIONS.

WITHIN the last three or four years the peace of the Wesleyan Connexion has been seriously interrupted by the publication of a series of mischievous and libellous pamphlets, which have been extensively circulated, by post and otherwise, for the professed purpose of correcting various alleged abuses, both in the Conference and several of its institutions. These pamphlets are all strictly anonymous, containing no author's name, and the name of no printer, but professing to be the joint production of a Corresponding Committee, the members of which were said to be resident in some of the principal towns of England and North Britain. They contain direct and repeated attacks upon some of the most gifted, useful, laborious, and esteemed Ministers of the body, representing them as indolent, proud, selfish, ambitious, and morally dishonest; especially the men whom the Conference has intrusted with the management of its important and widely extended Missions. The writers represent the members of the Conference generally, as mean and spiritless, not daring to think and act for themselves, but consenting to be blindly led by a few ambitious individuals, who are intent upon managing everything for the gratification of their own selfishness, caprice, and vanity. These nameless authors profess to relate private and confidential conversations, to disclose the secrets of domestic life; and they even assail with strong but unrighteous censure the memory of the pious dead.

These things are dwelt upon by the writers, not in a tone of sorrow and regret, that evils of such magnitude should exist among religious people, so as to dishonour Christ, to

neutralize the effect of his truth and ordinances, and to retard his work of mercy in the world. They are rather dwelt upon in a tone of scorn, and of bitter malignity, bearing, indeed, a character of personal hatred and vindictiveness; and in various instances the writers manifest a fearful disregard of truth. For a time it was hoped that the spirit of these writers would defeat their object, especially among religious people, whose sanctified nature instinctively abhors that which is evil; so that these vehicles of slander and defamation would sink into deserved neglect and forgetfulness. But, alas, appeals to the bad passions of our fallen nature are seldom harmless. Reflections upon the personal and public character of several of our Ministers were, by these anonymous scribes, pressed upon the attention of the Methodist mind with such pertinacity, and even hardihood of repetition, that at length a feeling of distrust was somewhat extensively produced in the body; and even men of pure minds, who were unwilling to believe evil of any one, and especially of the honoured Ministers of Christ who were recklessly assailed, began to fear that there might be some truth in the allegations. Evil surmising and evil speaking were extensively promoted, and religion was wounded in the house of her friends.

Here then was a sin of fearful magnitude and aggravation, committed in the bosom of a Christian community; the sin of slander, reviling, and defamation; the sin of propagating and placing upon public record flagrant untruths, which the writers knew, or might have known, to be such; the sin of attempting to render the public services of gifted, pious, and even aged, Ministers of Christ useless, both to the church and the world; the sin of promoting evil-speaking, jealousy, and wrath among religious people, and that to the widest possible extent; the sin of attempting to shake the public confidence in the management of one of the largest and most successful Missionary Societies in the world, and of thus depriving self-denying Missionaries of their support, and of withholding the word

of salvation from the perishing Heathen. This sin was not hastily committed, under the impulse of temporary and excited feeling; but was deliberately planned, and then pertinaciously perpetrated through a series of years, and that with unabated malignity; the writers never betraying the least signs of relenting towards the men whom they so bitterly maligned. Speaking of Mr. Wesley, the late Robert Hall has said, "I would not incur the guilt of that virulent abuse which Toplady cast upon him, for points merely speculative, and of very little importance, for ten thousand worlds."* Yet the abuse which Toplady lavished upon Mr. Wesley never surpassed, in rancour and malice, the abuse which the "Fly-Sheet" writers have poured upon several living Ministers of the Wesleyan body.

These proceedings, when compared with the law of Christ, appear in all their atrocity. "Why beholdest thou the mote that is in thy brother's eye, and considerest not the beam that is in thine own eye? Or how wilt thou say to thy brother, Let me pull out the mote out of thine eye; and, behold, a beam is in thine own eye? Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye." "Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the Law and the Prophets." (Matt. vii. 3—5, 12.) "Let love be without dissimulation. Abhor that which is evil; cleave to that which is good. Be kindly affectioned one to another with brotherly love; in honour preferring one another." "If it be possible, as much as lieth in you, live peaceably with all men." (Rom. xii. 9, 10, 18.) "Wherefore putting away lying, speak every man truth with his neighbour: for we are members one of another." "Let all bitterness, and wrath, and anger, and clamour, and evil-speaking, be put away from you, with all malice: and be ye kind one to another, tender-hearted, forgiving

* Hall's Works, vol. v., p. 423.

one another, even as God for Christ's sake hath forgiven you." (Eph. iv. 25, 31, 32.) "But now ye also put off all these; anger, wrath, malice.....Lie not one to another, seeing that ye have put off the old man with his deeds." "Put on therefore, as the elect of God, holy and beloved, bowels of mercies, kindness, humbleness of mind, meekness, long-suffering; forbearing one another, and forgiving one another, if any man have a quarrel (complaint) against any: even as Christ forgave you, so also do ye. And above all these things put on charity, which is the bond of perfectness." (Col. iii. 8, 9, 12—14.)

The violation of these holy precepts, on the part of the "Fly-Sheet" writers, was the more inexcusable, because, as Methodists, and, above all, as Methodist Preachers, they were not only at liberty to seek the removal of any abuses in the Connexion that might come under their observation, but were bound and even pledged to seek their removal, in a constitutional and honourable manner. They knew that the regular courts of the body were open to them continually. A distinct challenge was also given to them twice every year, in the District-Meetings and in the Conference, to prefer any accusation against the Missionary Secretaries, and the Rev. Treasurer: the meeting of the Missionary Committee of review, which is held every year on the day which precedes the opening of the Conference, was accessible to them; and there they might have sought an explanation of anything in the management of the Missions, which they might deem unsatisfactory; and there they might have even urged their complaints. But in all these places the accusers were as silent as death; they never showed their faces to the men whom they accused; they never preferred any complaint before the tribunals that were competent to deal with them: thus leading every disinterested observer to the conclusion, that these writers sought the removal of no grievances, but rather the gratification of some private resentment or jealousy, and the introduction of general confusion.

The duty of the Conference to attempt the extinction of

this evil, few persons, it is presumed, will deny. It was an injury to some of the most useful men that the Wesleyan Connexion ever knew; and these men naturally looked for protection and redress to the Conference, whose faithful servants they were. The matter was an occasion of triumph to infidel scoffers, of deep and bitter sorrow to multitudes of devout people in our own societies, and an occasion of scandal to other denominations of Christians, who saw men publicly professing and teaching spiritual religion, thus "biting and devouring one another." In the year 1847, the Conference published a strong and decisive testimony against this organized system of calumny; but was not able at that time to lay its hand upon the guilty parties, who, it has since been ascertained, had pledged themselves to an inviolable secrecy.

Evils of this kind, however, are seldom permanently concealed; and the time at length arrived when the Conference was able to deal with at least some of the authors of this mischief. The great body of the Wesleyan Ministers purged themselves from all blame, by affixing their names to an explicit "Declaration," in which they not only asserted their innocence of all participation in the authorship and publication of these pamphlets, but stigmatized them as "wicked" and "slandrous." Some other Ministers at the Conference purged themselves by an oral testimony to the same effect. The men who had not purged themselves were now reduced to a very small number; and among them was the individual, whom almost every one suspected to be the prime mover of the whole concern.

Cases of delinquency the Conference generally deals with by means of specific charges, which are preferred by responsible men, given to the accused in writing, and judged of after the accused has been heard in his own defence; but in the present case this course was impossible, because of the concealment in which the offenders had shrouded themselves. The mischief was indeed apparent; and so was the fact, that it had been concerted and perpetrated

by Methodist Preachers ; but they had wrought in the dark ; and although circumstantial evidence was strong and various, direct proof of their identity was not available. Two courses only were therefore open to the Conference : either that of passing the matter over, acknowledging the suspected men as brother Ministers, appointing them to our pulpits, and to the pastoral charge of our societies ; or that of subjecting them to a personal examination as to their guilt or innocence in this matter. The continued recognition of them as brother Ministers, vehemently and generally suspected as they were of a fearful amount of moral guilt, appeared to be utterly incompatible with the solemn trust which the Conference sustained ; for it necessarily involved unfaithfulness to Christ, and to the spiritual interests of his people. Can the purity of the evangelical ministry be lawfully sacrificed to a mere technicality ? The Conference has from the beginning possessed the unquestioned right of examining not only Candidates for admission into connexion with it, but its own members, on all points affecting their Christian and ministerial character, or the peace and prosperity of the body ; and it resolved to exercise this right in the case of these suspected men. Through the whole of their ministerial life every one of them had been annually questioned on the subject of his orthodoxy, and his continued attachment to the Wesleyan economy ; and it was felt to be perfectly fair, in this fearful emergency, to question them as to whether or not they were concerned in this grievous system of immorality, by which the whole Connexion was dishonoured. Feeling that the law of Christ had been violated by one of the most vile and malignant conspiracies that ever disgraced a religious community ; feeling at the same time that it was now in a situation to deal with the evil, and that if it neglected the opportunity, it would be a partaker of the sin ; the Conference first called the suspected ring-leader of the mischief, and, through the medium of its own officers, asked him whether or not he was concerned in the authorship, or in the publication, of the “ Fly-Sheets.”

He replied, that, to this question he would give no answer. If charges were preferred against him, he would meet them, and defend himself; but to no such question as that which was now proposed, would he return any reply, even upon pain of expulsion. Other men, who were suspected of being in the confederacy, and some of whom were known to have been extensively concerned in the mischiefs of agitation, were questioned in the same manner, and avowed the same determination. Attempts were made to bring them to a different mind. A Committee, comprehending some of the most aged Ministers of the body, with others who had filled offices involving great trust and responsibility, was appointed, to meet with the men who thus placed themselves in an attitude of hostility towards their brethren, to hear their reasons, and, if needful, to remonstrate with them; but to no purpose. He who first made the declaration of refusal to answer, declined, even when sent for, to meet either the Conference or the Committee with reference to any argument on the subject. Of the others, two who met the Committee not only persisted in their refusal to answer the question proposed, but even to give any pledge of abstinence from future agitation. The Conference therefore deemed it to be matter of solemn duty, both to God and his church, by three successive votes, to sever these men from ministerial connexion with itself.

The examination to which these men were subjected, *amounted simply to this*, as all the parties well understood:—Our union as Ministers of Christ, as you are well aware, is voluntary; it is founded upon mutual confidence and affection, and upon considerations which are purely religious. We have one faith, and one Lord. We have professed our belief of the same truth, and our adherence to the same system of church order; we exercise our ministry for the one purpose of advancing the glory of Christ, in the conversion and salvation of men; and we have pledged ourselves to countenance among each other no sin, but endeavour to promote each other's purity and usefulness in every possible way. It is our grief to find that a great

sin has been committed among us. The "Fly-Sheets" have neither been written nor circulated by chance. "An enemy hath done this." The enemy is among ourselves. The Preachers in general have solemnly avowed their innocence. The men who are capable of writing and publishing such wanton falsehood and defamation as these pamphlets contain, and who will persist in such practices, are unfit for the ministry which we have received. They are not such men as our venerated Founder would have sent forth and sanctioned; they are not such men as he intended the Conference to send forth and sanction. Direct proof that you are the guilty parties has not been placed before us; we are willing to believe that you are innocent; but general suspicion falls upon you. If you are innocent, declare your innocence; and we will credit your testimony, as we have done every year during the entire period of your union with us; we will still give you the right hand of fellowship, and treat you with our wonted confidence and affection as fellow-labourers in the vineyard of the Lord. If you are not innocent, but have entered into temptation, acknowledge that you have done wrong; give us your promise that you will from this time desist from these practices; and, as we ourselves hope for the mercy of God, we will not withhold mercy from you. But if you will neither clear yourselves with respect to the past, nor give us a guarantee for the future, our duty to God, to his cause, and to his people, together with our own recorded vows and engagements, render it impossible that our ministerial union should any longer continue. You leave us no alternative in the case. Our union must now cease and determine.

I would ask all sober, candid, and religious men, Is this course of action a just subject of blame? Has the Methodist Conference any reason to be ashamed before either angels or men, of having thus acted in this sad emergency?

To thoughtless persons, listening to popular oratory amidst the excitement of a public meeting, it seems a marvellous exhibition of moral courage, that three men

should have dared to set the whole Methodist Conference at defiance; and they think the men worthy of being compared with the great German Reformer, when he stood before the Diet of Worms. They forget that Luther stood there for the announcement and defence of the truth; and these three men for the concealment of sin.

In reference to the acts of discipline, which have now been expounded, two observations may be appropriately made. 1. They were performed with singular unanimity, and with a deep feeling of their necessity. Of the expelled men, one had been forty-three years in connexion with the Conference, partly as a regular Minister, and partly as a Supernumerary; another of them had been thirty years; and the third, seventeen. All of them, therefore, may be fairly presumed to have had an extensive circle of acquaintance, and several personal friends, among the Ministers who constituted the Conference; and yet, with regard to the act of expulsion, scarcely the slightest difference of judgment prevailed, in this the largest assembly of Wesleyan Ministers that was ever held. Indeed, the expulsion of the man who was regarded as the principal writer of the "Fly-Sheets" was proposed to the Conference by a senior Minister, who had been coaxed and lauded in those publications. It may be fairly assumed that such unanimity could not be produced upon light grounds; so that several hundreds of Ministers, with the father of the Conference at their head,—himself having been sixty-two years in this ministry, to which he was personally appointed by its Founder,—should all unite in an act which is at all times painful and unwelcome. Yet here we find Richard Reece, with all the gradations of age and of ministerial rank, down to the men who had been only a few days before ordained to the sacred office, including acquaintances and personal friends, uniting in the act of expulsion as matter of urgent and of solemn duty. In an assembly of brother Ministers, amounting to considerably more than five hundred, in favour of one of the expelled men three

hands were held up, two of them being the hands of accomplices ; in favour of another, one hand was held up ; and in favour of the third, no hand at all. The act of expulsion, therefore, was not the act of a bare majority, but of the entire Conference, the exceptions being so inconsiderable as to be scarcely worth naming.

2. The act of expulsion was not hastily performed, but took place after much anxious deliberation and delay, and after every effort had been tried to save the men whose case was under consideration. Except these cases of discipline, there was no business of the Conference that required much time ; so that its sittings were likely to be less protracted than usual. And indeed its speedy conclusion was on many accounts felt to be exceedingly desirable. The attendance was unusually large : the long detention of so many men from their homes and their work was matter of serious inconvenience ; especially when the prevalence of disease and mortality in many of the Circuits was considered. The sitting of so many men, also, from day to day, for several hours together, in a heated atmosphere, created considerable uneasiness, and even alarm ; especially as one of the Ministers retired from his place in the Conference, and died in a few hours of malignant cholera ; and not a few others became seriously ill. Yet the Conference prolonged its sittings till the last day, and almost till the last hour, that it could legally continue them, deferring other matters of an urgent nature, for the purpose of hearing these men, and of bringing them to a better mind, so as, if possible, to secure their continuance in the ministry to which they had been appointed. For their accommodation and benefit the regular and necessary business of the Conference was from time to time delayed, till all further delay was impossible, without endangering the very existence of the Connexion. In consequence of the large portion of time which was devoted to this case, the Stations of all the Preachers could not be considered with due care ; and no small amount of domestic inconvenience and suffering is

the result. In this matter, therefore, all semblance of haste, of precipitancy, and of rashness, was carefully avoided; ample space for reflection was given to the offending parties; but when it was found that there was absolutely no hope for the permanent peace of the Connexion, but by the severance of these men, the entire body of the Conference arose to the act of separation, with a calm and solemn fixedness of determination, which nothing could produce but a deep and conscientious feeling of duty to God and to his cause.

OBJECTIONS ANSWERED.

FEW acts which the Methodist Conference ever performed have been the occasion of so much misapprehension and clamour, as the recent expulsions which we have just described. With reference to them, the walls in some of our large towns have been covered with placards; public meetings announced; platforms erected; speeches delivered; resolutions proposed, seconded, and adopted, with every indication of strong excitement; and many good people have been frightened with the thought that Methodist Preachers are going to overturn all liberty, civil and religious, and either to introduce the Papal Inquisition, or something worse. Let us examine a few of the most popular topics of declamation that have been advanced in the shape of argument, and see whether or not they admit of a satisfactory answer.

1. It is said that the Conference by its recent acts of expulsion has violated its own recognised rules.

When any Preacher is accused, those rules provide that the charge which is preferred against him shall be given to him in writing, with the name of the accuser; and after hearing the evidence and the defence, the court to which the matter is referred for adjudication, shall pronounce a sentence of acquittal or of condemnation as the case may be. This course was not followed by the late Conference; and hence it is contended that the men who have been

expelled, have just ground of complaint. Their expulsion was unconstitutional, and therefore unrighteous.

The answer is, that the design of law is to impose a restraint upon evil. "The law is not made for a righteous man, but for the lawless and disobedient." In the advancement of time, evil assumes an endless variety of new forms, against which human legislation has never yet been able effectually to provide. Hence it is that all regular governments have a provision for extraordinary emergencies. There are times when some of the most important parts of the British constitution are held in abeyance, and personal liberty is therefore infringed upon; but the people submit to these inconveniences without a murmur, because the safety of the state requires it; and that safety they justly regard as the supreme law, which must be secured at all hazards, and by every kind of sacrifice. So it is in Methodism, which requires an annual examination of all its Ministers. That examination, as we have seen, is partly personal. "Does he believe and teach our doctrines?" is a question which no man can satisfactorily answer for another. Every man is therefore expected to answer it for himself. The same is true with respect to the approval and enforcement of our discipline, concerning which inquiry is also made every year. These inquiries are not made as matters of idle form, but with a reference to ulterior proceedings; and hence the answers which are given to them in District Meetings are always reported to the Conference, as the supreme authority under God. If it be found, when these inquiries are made, that any man has seriously departed from the truth, or suffered the discipline of the body to be trampled upon in his Circuit, he is admonished, or laid aside, according to the circumstances of the case. The men who have just been expelled were admitted into connexion with the Conference after a personal examination; they received, at the time of their admission, a copy of the form of discipline, with an inscription, signed by the President and Secretary of the Conference, "*So long* as you freely consent to, and car-

nestly endeavour to walk by, these rules, we shall rejoice to acknowledge you as a fellow-labourer ;” * clearly implying, that, if they should at any time cease to “ consent ” to them, and to “ walk ” by them, the Conference would cease to “ acknowledge ” them “ as fellow-labourers.” This was not only the implied condition of their union with the Conference, but the stipulated and recorded condition. Up to the time of the last Conference these men acted according to their original pledge ; but then, being questioned on a subject which affected their honour and morality, they set the Conference at defiance, and thus peremptorily refused any longer to observe the discipline, a professed subjection to which was one ground of their admission into connexion with that body.

It is confessed that in this instance the recognised practice of personal examination was applied to a new subject, the authorship and publication of certain pamphlets ; and that no example is upon record in which men were expelled for refusing to answer questions precisely similar to those which are now under consideration. This is indeed matter of thankfulness to God. The Conference has existed for a hundred and five years, and was never before humbled and disgraced by the astounding discovery among its members of such a conspiracy as that which has lately been brought to light. Never before was it known that a company of Methodist Preachers bound themselves together, if not by an oath, yet by something resembling it, to propagate falsehood and slander by means of a clandestine press, for the purpose of destroying the reputation of their brethren, while they were accustomed to meet those brethren with smiles, and profess towards them a perfect cordiality. If the proceeding of the Conference was novel, so was the crime with which it was called to deal. That Mr. Wesley, with all his tact and forethought, and with all his knowledge of the baseness to which fallen human nature can stoop, should not have contemplated

such a conspiracy, and that it should not have been contemplated by the Conference in any of its legislative acts, may be readily conceived; and we may fairly hope that many centuries will pass away before another conspiracy, equally dark and hateful, will be formed. In dealing with this vile case, however, it is clear that the Conference has acted upon no new principle, and has therefore violated none of its own regulations.

Nor must it be forgotten, that Methodist Preachers, met together in their annual Conference, are not an assembly of Lawyers, who are retained for the purpose of assisting delinquents in extricating themselves from the meshes of law, by the discovery of technical difficulties and objections; but a body of plain, honest men, whose duty and aim it is to visit sin, by whomsoever it may be committed, with appropriate penalties, and in the fear of God to preserve in untainted holiness and efficiency the ministry with which they are intrusted. Such was John Wesley's course of proceeding; and the men who bear his honoured name can honestly say, "We are all one man's sons; we are true men." If it be right that they should every year examine one another as to their soundness in the faith, and their continued attachment to the economy of the body, to which they are solemnly pledged, these "true men" cannot perceive that it is either conventionally or morally wrong, in a season of peculiar emergency, to ask one another whether or not they are addicted to the practice of secret immorality, like that of "Fly-Sheet" lying and defamation.

2. It is further objected, that the expulsions have taken place under a law which is but of recent origin, being unknown in Methodism till the year 1835; a law, therefore, which Mr. Wesley never sanctioned, and which none of his Preachers were required to observe for nearly one hundred years.

This law, as it is called, is given p. 16. of this pamphlet, and need not be here repeated. The reader, however, is requested to turn to it, that he may at once perceive the

character of the objection which has been urged, again and again, in speeches at public meetings, and even embodied in Resolutions, which are said to have been carried by acclamation. The answer is, that the objection is utterly unfounded, and shows with what haste even some good people have permitted themselves to judge of a subject which they never took the pains to understand. They have even pledged themselves to persevere in a course of agitation, till the rule, as they are pleased to denominate it, shall be expunged from the statute-book of the Connexion, lest other expulsions should be effected under its sanction. Whereas the fact is, as every one may see, no man was ever expelled under that rule, and never can be. It is, in fact, an explanatory declaration respecting the duties and rights of District-Meetings. But District-Meetings, as such, have no power of expulsion, and never had. That some Local Preachers, Class-Leaders, Circuit and Society Stewards, should have adopted Resolutions, and circulated them by means of the press to the widest possible extent, embodying so palpable a mis-statement, is deeply to be lamented, and must be to themselves, when they shall reflect upon the matter, an occasion of unfeigned regret.

Officers in the Wesleyan body, who have suffered themselves to be thus misled, we conceive are all bound, as Christian men, to send forth counter-statements through the three kingdoms, with their own signatures affixed, recalling their former Resolutions, and asking pardon of the Ministers whom they were bound highly to esteem for their work's sake, but whom they have openly misrepresented and traduced. The late expulsions took place under no law of 1835, but under the common law of Methodism; the law upon which Mr. Wesley acted through the entire course of his public life, and upon which the Conference has invariably acted since his death; the law of examining all the Ministers connected with it every year, and of discarding all such as, in its conscientious judgment, are unfit any longer to be employed under

its direction. Upon these terms Mr. Wesley received all the Preachers that laboured in connexion with him; upon these terms every Preacher, without exception, is received by the Conference; and upon these terms the expelled men themselves were all received, and were continued, up to the very time of their expulsion.

3. It is alleged, that the manner in which the expulsions were effected was un-English, because the men were required to answer questions which might fix upon themselves the charge of moral blame. Whereas no Englishman is bound to criminate himself.

This is a very popular objection; but it will not bear the test of a strict scrutiny. In our courts of justice, indeed, persons who are under criminal charges are not required to say anything that might be of disservice to them in their defence; and cautions to this effect are often humanely given to them both by Magistrates and Judges. But then it is equally true that persons who are arraigned at our criminal tribunals are not the only people that have to do with English law and English usage. Even in our criminal courts, witnesses are often not only compelled to appear, but to submit to a searching examination as to the past transactions of their lives, and to disclose facts which inflict a permanent injury upon their reputation; for without such examinations the ends of public justice could not be secured. In the Court of Chancery parties are treated in a somewhat similar manner, being compelled to give distinct and explicit answers to questions, which for ever damage their own character. Who has not read in the public papers the torturing examinations to which insolvent debtors are compelled to submit in the Court of Bankruptcy? In the County Courts, in the department of the Customs and of the Excise, and in the enforcement of the Income Tax, the system of personal examination is pursued, to the great annoyance of parties whose intentions are not perfectly upright.

The same course is pursued in domestic life, and among professional and commercial men. When any mischief

occurs in a family, is it not the universal practice to question the children and servants as to their participation in it? Who deems such inquiries “un-English?” or will be satisfied with less than an explicit answer? What company of naval or military officers, or society of literary or of scientific men, would remain silent, when it had been ascertained that one or more of themselves had published a libel upon the rest? Suppose a company of men to enter into a partnership, for the purpose of conducting to their mutual advantage any particular business; and after they have for some time prosecuted their plans with success, they find that one of themselves is, by some secret process, counterworking the rest, so as to secure his own gain, and their ruin; would not the injured men feel themselves entitled to ask every member of their fraternity, whether or not he was the guilty man? Would the plea of “English liberty” avail to screen any one of them from the inquiry, and from the obligation to return an explicit answer? And would not measures be immediately taken to dissolve all partnership with the man who should pertinaciously say, “I will meet any charges that you have to prefer; but I will answer no questions?”

With respect to the questioning of Englishmen on matters which affect their own reputation, we would invite attention to that very solemn form of adjuration with which the marriage-service of the Church of England begins. Thus the proposed bridegroom and his spouse are addressed from the altar: “I require and charge you both, as ye will answer at the dreadful day of judgment, when the secrets of all hearts shall be disclosed, that if either of you know any impediment why ye may not be lawfully joined together in matrimony, ye do now confess it. For be ye well assured, that so many as are coupled together otherwise than God’s word doth allow are not joined together by God; neither is their matrimony lawful.”

The following principles are involved in this solemn appeal:—(1.) That there may be something in existence which would render a proposed marriage sinful in the sight

of God. (2.) That one or both of the parties may have a knowledge of this fact. (3.) That they have, nevertheless, come to the house of God for the express purpose of doing that which they know He has forbidden. (4.) That a third party may and ought, in a matter of such importance, to interpose, by solemn inquiry, for the purpose of ascertaining whether or not there is any guilty concealment in the case. (5.) That the parties are bound to confess this secret, so that the sin may not be actually committed. It cannot be said, that this example of questioning, with the design of bringing to light possible criminality, is "un-English;" for it received the sanction of the English Legislature ages ago; and millions of English people, of both sexes, and of every grade in society, have for several generations submitted to it without a murmur.

When these facts are duly considered, perhaps it will be thought that to ask questions respecting personal conduct is not quite so alien from English practice as some people have hastily supposed; and certainly examples of it occur in holy Scripture, and that under the direct sanction of Almighty God, whose own recognised servants were employed in making the inquiries. "And *Joshua said* unto Achan, My son, give, I pray thee, glory to the Lord God of Israel, and make confession unto him; and *tell me now what thou hast done; hide it not from me.* And Achan answered Joshua, and said, Indeed I have sinned against the Lord God of Israel, and *thus and thus have I done.*" (Joshua vii. 19, 20.) The question which *St. Peter* addressed to Sapphira had a similar bearing. She and her husband had agreed together to practise deceit, "And Peter answered unto her, *Tell me whether ye sold the land for so much?*" This question was followed by the repetition of a lie, which was punished with instant death. (Acts v. 8-10.)

1 It has been urged, as an objection against the Conference, that before it proceeded to deal with the supposed writers of the "Fly-Sheets," it ought to have instituted

an inquiry into the truth of the charges which these pamphlets contain.

This language is held by several parties, who profess to be the friends of Methodism, and of fair-dealing ; but with singular injustice and inconsideration. Here are certain accusers ; but they are nameless and intangible, and they adduce no proof of their allegations ; the parties accused avow their innocence, and challenge investigation ; the Conference does not believe the charges, but is ready to hear evidence, if any man, or body of men, will come forward and produce it. Let, then, the men who in printed Resolutions insinuate their belief of the “ Fly-Sheet ” slanders, and therefore call for investigation,—that it may be ascertained whether some of the most esteemed and useful Ministers that the Wesleyan body ever knew are not in reality worthless knaves,—themselves come forward as accusers and witnesses, if they have anything to say, and any right to be heard ; or, as Mr. Wesley said in a similar case, let them hereafter for ever hold their peace. This is the only course that is open to them as honourable men.

5. It is objected that the proceedings of the late Conference were “ tyrannical,” “ cruel,” and “ an infringement upon the rights of Englishmen.”

Let us examine these charges in detail. The Conference is accused of “ tyranny ” in proposing certain questions to some of its members, and requiring of them a promise as to their future conduct. “ What right,” it has been said, “ had the Conference either to propose the questions, or to demand the promise ? ” The answer is, The Conference had the right, because the parties had conceded it of their own free will ; and if they wished to withdraw the concession, their duty was quietly to retire. The Conference has no right over any of its members, but what is thus conceded. It is intrusted with the appointment of men to the occupancy of the Wesleyan pulpits ; but they must be men of certain peculiarities of character, holding certain tenets, and pledged to a certain course of moral conduct and of church order. Persons who prefer

this ministry offer themselves as Candidates for it; they voluntarily submit to the required examinations, and, if approved, engage to comply with all the regulations and usages of the body with which they are united. As their entrance into this ministry is voluntary, so is their continuance in it. No man is compelled to remain in it an hour longer than he feels it to be a privilege and a duty. To talk of "tyranny" is palpably absurd where all is perfectly optional.

As to "torture" under the questionings of the Conference, and "torture" compared with that of the Romish Inquisition, if there was any, it could only arise from an uneasy conscience. It can be no "torture" to an innocent man to have an opportunity of declaring his innocence before brethren who are willing to receive his testimony; or even to avow the uprightness of his intentions with respect to the future. In such a case all "torture" implies conscious guilt.

That the discipline under which a Methodist Preacher is placed is "an interference with the rights of Englishmen," is very true, but very irrelevant; for so are the regulations of all voluntary associations into which Englishmen think it desirable to enter. An Englishman has a right to keep his money in his pocket; but when he enters into a benefit society, he is bound to certain payments, by which that right is to some extent superseded. An Englishman, as such, is not bound to any particular form of religion. He may be a Deist, or even an Atheist; but when he joins a Methodist society, he must meet in class, read his Bible, sanctify the Sabbath, attend public worship, and adorn the doctrine of his God and Saviour. So when a man enters the Wesleyan ministry, he comes under an obligation to observe all the rules by which that ministry is controlled and directed. But having done this of his own choice, he is still a free man; for even the discipline to which he submits is beneficial; and if it be not so regarded, he can shake it off whenever he pleases.

To complain of being shackled by the rules of a voluntary association is the perfection of folly. Why were the shackles put on, why are they worn, if they are not looked upon as a means of securing some important benefit?

6. It is alleged that the expelled Ministers would have dishonoured themselves, if they had submitted to answer the questions which the Conference proposed to them ; and that the questions therefore ought not to have been proposed. One of the men who refused to answer, urged this plea repeatedly : " I cannot answer," said he ; " for were I to do so, I should feel myself dishonoured."

To show the unsatisfactory nature of this excuse, we would observe that the feeling of personal honour is a very equivocal rule of duty among Christian people. The confession of sin to God is always required ; and the confession of it to men is often matter of imperative obligation. But when a man knows himself to be innocent of a suspected crime, he cannot be dishonoured by declaring the truth. Upwards of eleven hundred Wesleyan Ministers have declared their innocence of the " Fly-Sheet " sin, and are held in undiminished respect by every pure-minded man.

But it may be asked, How have wise and good men generally acted in similar cases, when evil has been imputed to them, or they have been under suspicion ? Hear John Wesley, speaking of himself, when he was clamorously assailed by the Dublin press, at the close of his upright and eventful life ! " This is my answer to them that trouble me, and will not let my grey hairs go down to the grave in peace. I am not a man of duplicity : I am not an old hypocrite, a double-tongued knave. More than forty years I have frequented Ireland. I have wished to do some good there. I now tell a plain tale, that the good which is in me may not be evil spoken of. I have no temporal end to serve. I seek not the honour that cometh of men. It is not for pleasure that, at this time of life, I travel three or four thousand miles a year. It is not for gain.

‘ No foot of land do I possess,
 No cottage in this wilderness,
 A poor way-faring man,
 I lodge awhile in tents below,
 Or gladly wander to and fro,
 Till I my Canaan gain.’” *

When Charles Wesley was basely slandered by an apostate Methodist, of the name of Williams, in the year 1711, he published a hymn, from which the following stanzas are selected :—

“ O my Galilean King,
 Can I glory in *this* shame ?
 Can I *this* dishonour bring
 As a suffering for thy Name ?
 Lord, Thou know’st, and Thou alone,
 All our hearts to Thee are known

“ Naked, and without disguise,
 In Thy sight my spirit stands.
 Have I not from outward vice
 Wash’d in innocence my hands,
 From the great transgression free ?
 Lord, I dare appeal to THEE !

“ Inwardly, like other men,
 Wholly born in sin I am ;
 Only Thou didst still restrain
 For the honour of thy Name ;
 Kept by Thine almighty grace,
 THEE I render all the praise !” †

But we have higher authority to plead than even that of the Wesleys. The inspired Apostles of our Lord did not hesitate to avow their own moral integrity when it was called in question, and when their ministry was therefore in danger of being despised. Thus the Apostle of the Gentiles speaks of himself, and of his brethren : “ Therefore seeing we have this ministry, as we have received mercy, we faint not ; but have renounced the hidden things of dishonesty, not walking in craftiness, nor hand-

* Wesley’s Works, vol. xiii., pp. 237, 238. Octavo edit.

† Charles Wesley’s Journal, vol. i., pp. 390, 391.

ling the word of God deceitfully ; but by manifestation of the truth commending ourselves to every man's conscience in the sight of God." (2 Cor. iv. 1, 2.) "Receive us ; we have wronged no man, we have corrupted no man, we have defrauded no man." (2 Cor. vii. 2.)

That which was done by the Wesleys, and by the Apostles of our Lord, could be no dishonour to a Methodist Preacher, standing before his brethren in the Conference, supposing him to have a good conscience, and therefore to be under no restraint from an inward sense of guilt.

7 It is further maintained, that in regard of the expulsions which are the subject of our present inquiry, the Conference must be in the wrong, because it is opposed and censured by the public press.

To this we answer, that in many quarters the public press is neutral, having declared no judgment on either side ; and that, in several cases, the public press has taken the part of the Conference ; especially that section of the press which is characterized by high moral bearing, by consistency of principle, and by the advocacy of sound Protestantism. But let us glance at that portion of the press which is hostile to the Conference, and we shall perhaps find that its opposition can be accounted for, and that it is less formidable than some people have imagined.

First, there is the "Weekly Dispatch," which is decidedly opposed to the Conference in this whole affair. But then this paper is a recognised organ of infidelity and licentiousness in their grossest forms, and is the favourite vehicle of intelligence with Sabbath-breakers, drunkards, and all classes of irreligious people : so that its hostility is incomparably more honourable than its friendship, in all cases where religion and Christian morals are concerned.

Next there is a large class of secular papers, both metropolitan and provincial, which affect a character of liberalism. They are mostly occupied with politics and general intelligence, so as seldom to introduce religion, except when any quarrel among its professors happens to occur, and a hint can be advantageously given that people should

carefully abstain from being "righteous overmuch." The conductors of such journals, of course, think that the expelled men have been harshly treated; for why should the Conference question its members either in respect of their tenets or practices? Other people can believe and act as they please, and why may not Methodist Preachers? To question men respecting points of doctrine and of moral practice, in the estimation of these gentlemen, is as intolerable as the Inquisition, and the proceedings of Laud in the Star Chamber. "The carnal mind is enmity against God;" and religious people only deceive themselves if they suppose that in this "liberal age," that "enmity" has undergone any abatement in unsanctified men. It is as deep and intense as it was when the Wesleyes were buffeted by the mobs of Staffordshire; and if Methodist Preachers will still appear as the unflinching advocates of spiritual religion, and of the faith and holiness which the Gospel enjoins, bearing a faithful testimony against sin in all its forms, they may escape the violence of mobs, but they will receive no mercy from the men who deem religious truth of little moment, and would place Popery on a level with Protestantism, and Hindooism with Christianity. And such, to a great extent, is the character of the liberalism with which much of our periodical literature is imbued, but with which true Methodism has no sympathy.

The organs of Popery and Tractarianism are, of course, opposed to the Conference, because its Ministers, having only received Presbyterian ordination, are not in the assumed "apostolical succession;" so that for them to perform ministerial acts is a most unpardonable presumption. The writers of these prints would persuade the Methodists that the exercise of private judgment is connected with so much turmoil, they would do well to wave it, and allow "holy mother church" to think for them, and just tell them what to believe and do; but as we have no confidence in her wisdom, we decline the advice.

We must not forget the Dissenting press, which is bit

terly hostile to the Conference, as it always has been ; and for this plain reason,—the Conference is the centre of union to all the Wesleyan societies, and many Dissenters would like to see all those societies transformed into Independent churches, after their own example. There is also another ground of hostility. Within the last few years some of the Dissenters have put forth strenuous efforts to effect a separation between the Church and the State, and have not succeeded. They wished the Conference to join them in this enterprise, and were refused ; its members feeling that, whatever the opinions of individuals among themselves might be, as this was no object of their union, so it would neither be respectful to their Founder, nor consistent with their own often-repeated professions. On these grounds, and others that might be named, the Dissenting journalists, without any intentional provocation from the Wesleyans, pour forth against the five or six hundred Ministers, who composed the late Conference, the most intolerant and disgraceful vituperations.

Far be it from us to include the entire body of English Dissenters in this censure. Not a few of them breathe the spirit of Christian toleration, while they profess its principles. Some of these, it is probable, without any feeling of hostility to their Wesleyan brethren, not perceiving the exact nature of the relation in which Methodist Ministers stand to each other, may think that the Conference has acted with undue severity in its recent expulsions. Let us, then, suppose the case of an Independent or of a Baptist Minister, who has a co-Pastor. They occupy the same pulpit, they teach the same doctrine, they administer together the memorials of redeeming mercy, they sustain the same pastoral relation ; and are thus united by the most sacred ties that can by possibility bind man to man ; at the same time that they have by solemn vows bound themselves to the strict observance of an unchangeable fidelity. After labouring together in harmony and with success for many years, the senior Minister is surprised by the appearance and circulation of a pamphlet,

reflecting in the severest terms upon his public and personal character, and also upon the character of his family. It represents him as indolent, ambitious, selfish, extravagant in his habits, intemperate, and morally dishonest. The pamphlet bears no name of either printer or author. It is followed by a second, a third, and a fourth; and the system of annoyance is carried on for three or four years with unmitigated malignity, till the friends of the persecuted man are staggered, his usefulness as a Minister is impaired, and his family distressed. He mentions the case to the members of his church, and to various persons belonging to his congregation, and expresses an anxious desire to discover the author of the mischief. They declare, as with one voice, that, beyond all doubt, his co-Pastor is the man; for the pamphlets breathe his bitter and sarcastic spirit; they embody things which he has often been heard to utter in conversation; they accord with his well-known habit of anonymous writing, and they correspond with his usual style. We ask, Would not this injured Minister be bound to mention these suspicions to his co-Pastor, and ask him whether they were true or not? Would not justice both to himself and his colleague require this? justice to himself, as deeply injured; and justice to the other, who might be innocent, and should therefore have an opportunity of clearing himself. Suppose that the suspected man, instead of giving a frank and candid answer, and of expressing sympathy with his suffering brother, should assume an air of importance, talk of his rights as an Englishman, and, in a tone of insult, should say, "If you have any evidence against me, produce it: but I will answer none of your questions. I defy you." Would not the injured man be justified in believing the worst, and in saying, "I am not at present provided with direct evidence of your guilt; but since you deny me all assurance that you are innocent of this act of enormous immorality, our co-pastorship must now end: I can never publicly acknowledge as a brother Minister a man who is universally suspected of such wickedness, and

who will not even deny it ; because such conduct would, on my part, be a tacit confession that I am guilty of the things which are laid to my charge ?” Supply the names, and all the particulars of this supposed case are applicable to the Conference and to the men whom it has expelled.

In the category of hostile journals we must also place a weekly print, whose title and contents form a perfect contrast to each other. It is one of a series of publications, by which it has been attempted, under the name of *Wesley*, to pull down what it was the business of John Wesley's life to build up. Its efforts are incessantly directed to the setting of young Ministers in the Wesleyan body against aged Ministers, the Local Preachers against the Itinerant Preachers, the societies against their Pastors, the Connexion against the Conference, and evangelical Christians in general against the Wesleyan Missionary Society. The title which this print bears is as palpable a fraud as would be a periodical defence of Popery under the name of Luther ; of sedition under the name of Wellington ; or of infidelity under the name of St. Paul. Religious people who imbibe the spirit of this print will inevitably in the same proportion lose their piety. They will cease to be charitable, prayerful, and happy ; and will become jealous, malignant, and disputatious ; and parents who place it within the reach of their children will soon see their unsuspecting offspring loathe the very name of Christian godliness. One of the greatest injuries that can by possibility be inflicted upon a youthful mind, is the exhibition of incessant reviling in connexion with a profession of spiritual religion.

CONCLUSION.

NECESSARY and justifiable as it is contended the recent expulsions by the Conference were, it cannot be denied, that they have given deep offence to many persons who not only belong to the Wesleyan societies, but who also sustain important offices in them. This is no more than

might have been expected, considering the attempts which have long been made, by a selfish and unscrupulous press, to bring the Ministers of our body generally under suspicion and contempt: so that, if these expulsions had not occurred, occasion would unquestionably have been taken from something else, to give expression to hostile feelings for which many minds have been prepared, by a long course of unblushing misrepresentation. Even the late Conference has been publicly described as disorderly, riotous, capricious, and intolerant, regardless of all propriety, and of the rules by which deliberative assemblies are usually governed. It has been so described in the print to which reference has been just made; and these sinful mis-statements have been left to produce their effects. I have been accustomed to attend the Annual Conferences for more than forty years; and I solemnly aver, that on no former occasion of the assembling of that body did I witness more striking indications of devout feeling, a greater regard for order, or a stronger desire to extend mercy to the utmost limit that was at all consistent with the maintenance of its own purity. But the Conference could not suffer its time to be wasted by irrelevant and vituperative speeches, which, after all, were manifestly intended less for its members than for the public; nor could it allow itself and its officers to be treated with insult and contumely.

It is also to be observed that nearly all the men who have put forth Resolutions against the late Conference, have said that the expulsions took place under the rule of 1835, than which there could not be a greater error. Under that rule (or declaratory resolution rather, for it is nothing more) no man ever was expelled, or ever can be, for a reason which has been already stated, and which every one must perceive. The men are said to have been expelled for contumacy. This is true, but it is not the whole truth. The Conference is not wont to visit cases of ordinary contumacy with so severe a penalty as expulsion. The man who was regarded as the principal offender

was expelled for contumaciously refusing either to acknowledge his guilt, or to purge himself from a course of flagrant immorality,—the publication of a series of atrocious libels upon personal character; such libels as no honourable society of professional men would tolerate in any of its members; such libels as have rendered many a British subject amenable to the laws of his country, and have subjected to heavy fines, and even to imprisonment in a common jail. Was it right that such a man should receive the public sanction of the Methodist Conference, as a Minister of Christ? For this exercise of discipline some office-bearers in various Circuits have unceremoniously published censures upon the entire and collective pastorate of the body to which they belong; and even threaten to withhold their support from the several funds by which the cause of Christianity is maintained and extended.

Cases of this nature, however much they are to be lamented, are, unhappily, no novelties, as the records of the church too plainly show. Even the Apostles were not exempted from trials of this kind. “The disciple whom Jesus loved” had occasion to mention at least one person of influence and distinction in the church, who “prated against him with malicious words.” St. Paul also speaks of his “perils among false brethren,” as well as from Heathens and Jews. In consequence of his extraordinary diligence in his ministry, continued for two years in one particular region, it is said, “All they which dwelt in Asia heard the word of the Lord Jesus, both Jews and Greeks.” (Acts xix. 10.) That his success among them was great, is manifest from the following chapter, which contains his parting address, and a warning that “from among themselves would men arise, speaking perverse things, to draw away disciples after them.” These men were successful in their divisive schemes, so that when the Apostle was “about to be offered up,” and “the time of his departure was at hand,” he had occasion to say to his son Timothy, “This thou knowest, that all they which are in Asia be turned

away from me." (2 Tim. i. 15.) A sad proof this of instability even among religious people. If the "many tears," the public preaching, the pastoral visitation, the devotedness, the self-denial, of St. Paul were thus requited, if he were left to pine in a dungeon, and to die by the hand of the public executioner, without the slightest sympathy from immense bodies of people whom he had instrumentally turned to Christianity, from the guilt and misery of Heathenism,—let not Wesleyan Ministers either murmur or be surprised, if their spiritual children, in the hour of temptation, should listen to the mis-statements of an ungodly press, and traduce the men whom they are bound by every tie to esteem and love. It was not in vain that this inspired servant of Christ said, "Be patient toward all men." Yet the people who were "turned away" from St. Paul were all undeniably in the wrong.

With the official men among the Methodists, who have published Resolutions against the Conference, it may be hoped, however, that the dispute will soon terminate; for most of them declare an inalienable attachment to Methodism as it was administered by Mr. Wesley. Now we have shown that in the very first Conference Mr. Wesley laid down the principle of personal examination as applicable to all the Preachers that should labour in connexion with him; upon that principle he acted with respect to every one of them to the end of his life; he devolved upon the Conference the task of carrying out his plans after his death; and in the "Deed of Declaration," by which he invested the Conference with its powers, and defined its duties, he distinctly intimated that the annual examination of its members was to be no matter of mere form, but a means of preserving the body, in every respect, pure and uncorrupt: for he thus stated his purpose: "The Conference shall and may expel and put out from being a member thereof, or from being in connexion therewith, or from being upon trial, any person, member of the Conference, or admitted into connexion, or upon trial, for any cause which to the Conference may seem fit or neces-

sary; and every member of the Conference so expelled and put out, shall cease to be a member thereof, to all intents and purposes, as though he were naturally dead.”* In the fulfilment of its trust, the late Conference, in the examination of its members, found three who were deemed unfit to be any longer intrusted with this ministry, and therefore dismissed them, agreeably to Mr. Wesley’s own practice and arrangements. This mode of dealing with men who are regarded as unfaithful is therefore no novelty, and no innovation; but is as old as Wesleyan Methodism itself. It cannot be then, that men who revere the memory of Mr. Wesley, and in reality approve of his plans, will long persist in raising a clamour against the Conference on account of its late expulsions. The extracts which we have given from the Minutes of Conference, published by Mr. Wesley himself, clearly prove that he required from his Preachers answers, which were quite as stringent and searching as any that were proposed by the late Conference to the men whom it was reluctantly compelled to disown.

But it was never difficult to create prejudice against authority. Even Moses, who acted solely as the viceroy of God, and whose divine commission was demonstrated by miracles which caused “amazed heaven and earth to shake,” was openly resisted, and accused of “taking too much upon himself.” A vain and worthless son of David succeeded in alienating the people from their allegiance, and in sending the aged Monarch into exile. It has, therefore, been justly and beautifully observed, by a wise and holy man of a former age: “He that goeth about to persuade a multitude that they are not so well governed as they ought to be, shall never want attentive and favourable hearers, because they know the manifold defects whereunto every kind of regiment is subject; but the secret lets and difficulties, which in public proceedings are innumerable and inevitable, they have not ordinarily the judgment to consider. And because such as openly

* Wesley’s Works, vol. iv., pp. 508, 509.

reprove supposed disorders of state are taken for principal friends to the common benefit of all, and for men that carry singular freedom of mind: under this fair and plausible colour, whatsoever they utter passeth for good and current. That which wanteth in the weight of their speech is supplied by the aptness of men's minds to accept and believe it. Whereas, on the other side, if we maintain things that are established, we have not only to strive with a number of heavy prejudices deeply rooted in the hearts of men, who think that herein we serve the time, and speak in favour of the present state, because thereby we either hold or seek preferment; but also to bear such exceptions as minds so averted beforehand usually take against that which they are loth should be poured into them."*

Some persons seem to think that the system of Conference questioning, although instituted by Mr. Wesley, and intended by him to be practised as long as that body might remain, should now be abandoned, as being contrary to "the spirit of the age," and therefore distasteful to the public mind. To people who entertain these views we would take leave to say, that "the spirit of the age," in whatever light it may be viewed, is a variable and evanescent thing; so that the spirit of one age is not the spirit of another: whereas the principles of evangelical truth and morals, like their divine Author, are immutable. Christians are not to be carried about by the fluctuating opinions of the world; but having ascertained the mind of God, by a prayerful study of His word, are to "walk by the same rule, and to mind the same thing;" remembering the apostolic admonition, "Beloved, believe not every spirit, but try the spirits whether they are of God." It is in perfect consistency with "the spirit of the age" for large masses of people to assemble, consisting of young and old, male and female, infidels, libertines, Chartists, scoffers, and professors of religion, and at the mention of the names of even aged Ministers, whom God has long

* Hooker's Ecclesiastical Polity, book i. sec. 1.

blessed and owned in their work, to hiss and groan and stamp like Legion, just come from the tombs ; but there is "another Spirit," which says, "We beseech you, brethren, to know them which labour among you, and are over you in the Lord, and admonish you ; and to esteem them very highly in love for their work's sake." (1 Thess. v. 12, 13.) "Obey them that have the rule over you, and submit yourselves : for they watch for your souls, as they that must give account, that they may do it with joy, and not with grief : for that is unprofitable for you." (Heb. xiii. 17.) If our blessed Lord and his Apostles, if Mr. Wesley, and other eminent instruments of usefulness, had taken "the spirit of the age" for their guide, what would have been the state of the world at this day ?

It has also been said that as the system of questioning, as it is practised by the Conference, is liable to abuse, it would be well, on this account, to abandon it, and thus prevent all future occasion of offence and excitement, such as now prevail. Men have thus expressed themselves in public meetings ; but it is difficult to believe that they are serious. If we ought to renounce everything that may be abused, what are we to retain ? We must neither eat nor drink ; for both have been abused to the purpose of intemperance. We must not profess religion ; for this has been used as a covering of base designs. Class-Leaders are to see the members of their classes once a week, to inquire how their souls prosper. Is this also to be given up, because it may be abused by impertinence ? But then this practice, so far as the Conference is concerned, never has been abused. It has been in use for more than a century ; and no instance of its abuse has been recorded ; nor was any complaint against it ever heard of till the late Conference, when it was applied to parties who shrunk from the test. They, of course, complain of it ; but others regard this instance of its application as a public benefit, and would not, on any account, reverse what has been done, especially considering the spirit of the men on whom these acts of discipline have been passed.

It is further to be observed that the system in question has not only been harmless, but eminently useful; having been one principal means of preserving the doctrinal purity of the Wesleyan ministry; so that it has never, at any period, assumed an heretical character. When any departure from catholic truth has appeared, it has instantly been resisted and suppressed. It was the honest boast of Mr. Wesley, more than a century ago, that the societies who were under his care were all sound in the faith. "Where is there a body of people in the realm," said he, "who, number for number, so closely adhere to what our Church delivers as pure doctrine? Where are those who have approved and do approve themselves more orthodox, more sound in their opinions? Is there a Socinian or an Arian among them all? Nay, were you to recite the whole catalogue of heresies enumerated by Bishop Pearson, it might be asked, Who can lay any one of these to their charge?"* At this day there are connected with the British Conference one thousand seven hundred and seventy Ministers and Preachers on trial; and in respect of doctrinal sentiment, Mr. Wesley's appeal is strictly applicable to the whole of them. Is it a light matter that such a body of men, whose labours are incessant, widely extended, and carried on in perpetuity, should have been preserved from the pestilential errors, which have utterly ruined many churches that were once large and flourishing; and that their teaching should have uniformly been of a healthy character? Let the unthinking men who would remove one of the strongest guards of orthodoxy in the Wesleyan body, contemplate the withering effects of doctrinal error upon the Presbyterian churches of England, upon the Protestant churches of Poland, of Germany, of Switzerland, and of France, and learn wisdom by the facts of history. Men who duly consider the importance of truth, and the terrible effects of corrupt doctrine, at different periods of the church, will pause

seriously and long before they hastily abandon a practice from which the most substantial benefits have arisen for more than a century. Many parts of Christendom at this day, through the want of an efficient discipline among Ministers, are a barren waste ; while the Wesleyan section of the church, with its Conference and its strict disciplinary arrangements, is as the garden of the Lord, equally verdant and fruitful.

Besides, if the Conference were to be so infatuated as to discontinue the practice of examining the Wesleyan Ministers, it would at the same time abandon its great trust, the trust for the execution of which it was itself created ; and in this case it would be bound in honour to dissolve itself. A Conference sending forth from year to year unexamined Ministers, who should be at liberty to preach what they pleased, and to live as they pleased, so as not to outrage public decency, and to provoke an impeachment, would not be the Conference that John Wesley constituted. But the evil would soon work its own cure ; for pious people would refuse to receive such men, and to submit to their pastoral rule ; so that the appointments of a faithless Conference would be null and void.

And as Wesleyan Methodism, founded on the connexional principle, has worked well in respect of the maintenance of Christian doctrine and morals ; so it has worked no less beneficially as to the spread of divine truth, and the advancement of spiritual religion. We have no quarrel with Christians of the Independent denomination, some of whom at present, through the medium of their recognised organs, load us with abuse ; nor should we ever publicly animadvert either upon them or their system, if they would allow us peacefully to follow our own plans of evangelical labour. But they force us to a comparison of their ecclesiastical system and our own. Christianity is intended by its Author to be the one religion of mankind : for He has commanded that his Gospel should be preached to every creature ; and therefore to the retired villager, as well as to the inhabitant of the crowded city.

But what has Independency ever done for the scattered peasantry of either this or any other nation? It has ranked under its banners many Ministers equally eminent for scholarship and piety; it has erected large chapels, and collected large congregations, in populous districts and towns; and their influence in their several localities has been and is now a public blessing, in which every good man is bound to rejoice. Independency took its rise in the reign of Queen Elizabeth, more than a century before the Wesleys were born; but where are its trophies among the thinly-scattered population of our agricultural villages? In less than half the time during which the principles of Independency have been in operation, Wesleyan Methodism, with its connexional form, and its Conference, has erected thousands of chapels in these villages, and raised up in connexion with them thousands of societies and congregations, with their Sunday-schools, their Missionary associations, and all the apparatus of a living Christianity. Ten thousand Methodist peasants at this day, in the midst of poverty and privation, present as fine examples of spiritual religion, both in life and death, as the church of God has ever seen, even in her best and palmiest days.

Whence arises this difference? Are such men as James and Leitch less zealous for the honour of Christ and the salvation of men than Methodist Preachers are? Far from it. The difference is doubtless to be found in the systems. In the extension of the work of God, Independency is comparatively powerless, because it is single-handed. The strength of Wesleyan Methodism lies mainly in its connexional unity. Its Ministers are stationed, generally two or three of them together, in large towns, where they are principally supported by numerous societies, and are therefore able, upon a regular and systematic plan, to extend their labours into the surrounding villages and hamlets, without imposing any oppressive burden upon the humble peasants, to whom they minister the word of life; and if, after all, these country Circuits are unable fully to support their own ministry, the deficiency

is usually supplied out of a general fund, to which all the societies and congregations contribute.

Shall then this beautiful system of evangelical operation, of which the Conference is the centre and bond of union, and upon which the blessing of God has so marvellously rested for more than a century, be broken up, and abandoned? So in effect say the Dissenting journalists, whose cry is, “ ‘Rase it, rase it, even to the foundation thereof!’ Extinguish the Conference, with all its discipline and regulations; set the people free, and let them choose their own Ministers, and act for themselves:” and it is matter of surprise and regret, that some of our own professed friends are so faithless or ill-informed as to abet these hostile journalists in their clamour; forgetting that if the Conference be extinguished, the itinerant ministry which Mr. Wesley instituted would necessarily cease. But even in this case, the societies would not be allowed to choose their own Ministers, upon the Independent plan. The appointment of them, according to the “Deed of Declaration,” would be vested in the Trustees, and the people would have no power to help themselves.* But supposing all the societies were allowed to choose their own Ministers, there are thousands of them

* “Whenever the said Conference shall be reduced under the number of forty members, and continue so reduced for three yearly assemblies thereof successively, or whenever the members thereof shall decline or neglect to meet together annually for the purposes aforesaid, during the space of three years, that then, and in either of the said events, the Conference of the people called Methodists shall be extinguished, and all the aforesaid powers, privileges, and advantages shall cease, and the said chapels and premises, and all other chapels and premises, which now are or hereafter may be, settled, given, or conveyed, upon the trusts aforesaid, shall VEST IN THE TRUSTEES for the time being of the said chapels and premises respectively, and THEIR SUCCESSORS FOR EVER; upon trust that they, and the survivors of them, and the Trustees for the time being, do, shall, and may appoint such person and persons to preach and expound God’s holy word therein, and to have the use and enjoyment thereof, for such time, and such manner, as TO THEM shall seem proper.” (Wesley’s Works, vol. iv., pp. 510, 511.)

who could not support them when they were chosen ; and hence endless bickerings and confusion would inevitably ensue. What could fifteen, or twenty, or even thirty farmers' labourers, with their wives and children, do in the support of an Independent Minister ? But they are happy and prosperous as a Methodist society, connected with other societies, and aided in their Circuit by the funds of the body

The question therefore naturally arises, "Will the Conference, in consequence of this pressure both within and from without, either violate its trust, or abandon it ?" It is bound, by God's blessing, to provide for the Wesleyan pulpits a ministry which is at once evangelical, spiritual, and morally pure. It has hitherto fulfilled its trust, and stands pledged to the continued fulfilment of it. *In the faith of this pledge millions of money have been expended in the erection of Methodist chapels, and of Ministers' dwelling-houses ; and upwards of three hundred and seventy thousand people, in the United Kingdom alone, have enrolled themselves as members of the Wesleyan societies, in the faith that they should have an itinerant ministry possessing these characteristics.* Shall all these interests be sacrificed ? Shall the Conference either dissolve itself, or cease with conscientious care to examine the Ministers whom it sends forth with its sanction ? Shall it force upon a confiding people men of doubtful orthodoxy, or of doubtful morals ? Will the Conference so succumb to the clamour of worldly, infidel, or even Dissenting journalists, as to betray a trust so sacred and momentous, and involving the interests of generations yet unborn ? The united heart of the Conference, and of its pious and intelligent societies throughout the world, responds, as with a voice of thunder, NEVER, NO NEVER, NO NEVER ! A THOUSAND TIMES, NEVER !

Thank God, the Methodist Conference yet stands, after the changes and the lapse of a hundred years, as one of the most important institutions of the country, a witness to the truth, a conservator of vital Christianity, of social

order, and of religious freedom ; a breakwater against the intolerance of Popery and of its twin-sister Tractarianism, on the one hand, and against the equally violent intolerance of ultra-Dissent, on the other. The Conference was never stronger than it is at this day. It is strong in the religious and sanctified unity of its own members : it is strong in the consciousness of its own integrity, of which it has given demonstrative proof by expelling the men who know its affairs, and charge it with unfaithfulness and abuses ; thus challenging and compelling its accusers to tell all that they know. The Conference is strong in the confidence, affection, and loyalty of the societies generally, of which they have given and still give substantial proof. Above all, the Conference is strong in the Lord, and in the power of his might ; for, while in the fulfilment of its trust it is acknowledged to have fallen into inadvertencies, and has shown such infirmities as are incident even to the wisest and best of men, it has never, at any period of its existence, tolerated “either error in doctrine, or viciousness of life.”

Let history then record the fact, that when a large portion of the British press combined to assail the Wesleyan Conference, and some of the Methodists themselves joined in the clamour, the mighty charge which they preferred against that venerable body was, that, in accordance with its own recognised principles and usages from the beginning, and to which it was solemnly pledged to adhere, it expelled one of its members, because he would not, when under general suspicion, purge himself of the meanness and the sin of propagating falsehood and slander by means of a clandestine press ; and two others, his accomplices, because they would not promise to abstain from a similar system of annoyance and agitation.

APPENDIX.

MR. WESLEY'S POWER.

“THERE is nothing new under the sun.” Eighty-three years ago, the very objections which are now so vehemently urged against the Conference were urged against Mr. Wesley, and in the very same terms, as the following extract from the Minutes of Conference, of the year 1766, clearly show. He was accused of “tyranny,” of “shackling free-born Englishmen,” and of introducing “Popery.”

Q. But what power is this, which you exercise over all the Methodists in Great Britain and Ireland?

A. Count Z. loved to keep all things closely. I love to do all things openly. I will, therefore, tell you all I know of the matter, taking it from the very beginning.

1. In November, 1738, two or three persons, who desired to flee from the wrath to come, and then seven or eight more, came to me in London, and desired me to advise and pray with them. I said, “If you will meet on Thursday night, I will help you as well as I can. More and more then desired to meet with them, till they were increased to many hundreds. The case was afterwards the same at Bristol, Kingswood, Newcastle, and many other parts of England, Scotland, and Ireland. It may be observed the desire was on *their* part, not *mine*. My desire was, to live and die in retirement. But I did not see that I could refuse them my help, and be guiltless before God.

Here commenced my power; namely, a power to appoint, when, and where, and how, they should meet; and to remove those whose life showed that they had no desire to “flee from the wrath to come.” And this power remained the same, whether the people meeting together were twelve, twelve hundred, or twelve thousand.

2. In a few days, some of them said, “Sir, we will not sit under you for nothing. We will subscribe quarterly.” I said, “I will have nothing, for I want nothing. My fellowship supplies me with all, and more than I want.” One replied, “Nay, but you want £115 to pay for the lease of the Foundery. And likewise a large sum of money will be wanting to put it into repair. On this consideration, I suffered them to subscribe. And

when the society met, I asked, "Who will take the trouble of receiving this money, and paying it where it is needful?" One said, "I will do it, and keep the account for you." So here was the first Steward. Afterwards I desired one or two more to help me as Stewards, and, in process of time, a greater number.

Let it be remarked, it was I myself, not the people, who chose these Stewards, and appointed to each the distinct work, wherein he was to help me, as long as I desired; and herein I began to exercise another sort of power, namely, that of appointing and removing Stewards.

3. After a time, a young man came, T. Maxfield, and said he desired to help me, as a son in the Gospel. Soon after came a second, Thomas Richards, and a third, Thomas Westal. These severally desired to serve me as sons, and to labour when and where I should direct. Observe, these likewise desired me, not I them. But I durst not refuse their assistance. And here commenced my power, to appoint each of these, when, where, and how to labour: that is, while he chose to continue with me: for each had a power to go away when he pleased; as I had also to go away from them, or any of them, if I saw sufficient cause. The case continued the same when the number of Preachers increased. I had just the same power still, to appoint when, and where, and how, each should help me; and to tell any, if I saw cause, "I do not desire your help any longer." On these terms, and no other, we joined at first: on these we continue joined. But they do me no favour in being directed by me. It is true, my reward is with the Lord. But at present I have nothing from it but trouble and care; and often a burden I scarce know how to bear.

4. In 1744 I wrote to several Clergymen, and to all who then served me as sons in the Gospel, desiring them to meet me in London, to give me their advice concerning the best method of carrying on the work of God. They did not desire this meeting, but I did; knowing that "in a multitude of counsellors there is safety." And when their number increased, so that it was neither needful nor convenient to invite them all, for several years I wrote to those with whom I desired to confer, and these only met at the place appointed; till at length I gave a general permission, that all who desired it might come.

Observe: I myself sent for these of my own free choice; and I sent for them to advise, not govern, me. Neither did I at any of those times divest myself of any part of that power above described, which the providence of God had cast upon me, without any design or choice of mine.

What is that power? It is a power of admitting into, and excluding from, the societies under my care; of choosing and removing Stewards; of receiving or not receiving Helpers; of appointing them when, where, and how, to help me; and of desiring any of them to meet me, when I see good. And as it was merely in obedience to the providence of God, and for the good of the people, that I at first accepted this power, which I

never sought, nay, a hundred times laboured to throw off, so it is on the same considerations, not for profit, honour, or pleasure, that I use it at this day.

5. But several gentlemen are much offended at my having so much power. My answer to them is this :

I did not seek any part of this power. It came upon me unawares. But when it was come, not daring to bury that talent, I used it to the best of my judgment.

Yet I never was fond of it. I always did, and do now, bear it as my burden; the burden which God lays upon me, and therefore I dare not yet lay it down.

But if you can tell me any one, or any five men, to whom I may transfer this burden, who can and will do just what I do now, I will heartily thank both them and you.

6. But some of our Helpers say, "This is *shackling free-born Englishmen*, and demand a free Conference: that is, a meeting of all the Preachers, wherein all things shall be determined by most votes.

I answer, It is possible, after my death, something of this kind may take place; but not while I live. To *me* the Preachers have engaged themselves to submit, to "serve me as sons in the Gospel." But they are not thus engaged to any man, or number of men, besides. To me the people in general will submit. But they will not yet submit to any other.

It is nonsense, then, to call my using this power "shackling free-born Englishmen." None needs to submit to it, unless he will; so there is no shackling in the case. Every Preacher and every member may leave me when he pleases. But while he chooses to stay, it is on the same terms that he joined me at first.

"But this is *arbitrary power*—this is no less than *making yourself a Pope*."

If by arbitrary power you mean a power which I exercise singly, without any colleagues therein, this is certainly true; but I see no hurt in it. *Arbitrary*, in this sense, is a very harmless word. If you mean unjust, unreasonable, or tyrannical, then it is not true.

As to the other branch of the charge, it carries no face of truth. The Pope affirms, that every Christian must do all he bids, and believe all he says, under pain of damnation. I never affirmed anything that bears any, the most distant, resemblance to this. All I affirm is, "The Preachers who choose to labour with me, choose to serve me as sons in the Gospel;" and "the people who choose to be under my care, choose to be so, on the same terms they were at first."

Therefore, all talk of this kind is highly injurious to me, who bear this burden merely for *your* sakes. And it is exceedingly mischievous to the people, tending to confound their understandings, and to fill their hearts with evil surmises and unkind tempers towards me; to whom they

really owe more, for taking all this load upon me, for exercising this very power, for shackling myself in this manner, than for all my preaching put together. Because preaching twice or thrice a day is no burden to me at all; but the care of all the Preachers and all the people is a burden indeed ! *

At a later period Mr. Wesley had occasion to complain that persons who were under the deepest obligations to him, “lifted up the heel against him,” because he declined to adapt his system of church order to their views. His society in Bristol shared largely in his pastoral attention; yet in the year 1779, several persons in the society there cherished towards him a feeling of deep prejudice, and even of hostility. The ringleader of the faction said, “I think it my duty to pray that God would take Mr. John Wesley away; that he may do no more harm in the church. It would be a great mercy, if he was dead.” In the midst of the agitation Mr. Charles Wesley met the society; and after reasoning and expostulating with the disaffected members, he said, “I will leave you to your own reflections, and call upon *you who love him*, to join me in prayer for his life, in the following hymn :—

Jesus, thy hated servant own,
And send thy glorious Spirit down,
In answer to our prayers;
While others curse, and wish him dead.
Do Thou Thy choicest blessings shed,
And crown his hoary hairs.

Not for his death, but life, we pray,
In mercy lengthen out his day,
Our venerable guide;
Long may he live thy flock to keep,
Protect from wolves the lambs and sheep.
And in his bosom hide.

Long may he live to serve thy cause,
To spread the victory of thy cross,
To minister thy grace;
And late to' increase thy church in heaven.
With all the children thou hast given,
Appear before thy face.

* Minutes, vol. i., pp. 55-61

Thou God that answerest by fire,
 With fervent faith and strong desire
 Whom we present to Thee,
 Fill with pure love his ravish'd breast,
 And let the Spirit of glory rest
 On all thy church—and me !

Me, me thy meanest messenger,
 Admit his happiness to share,
 And, intimately one
 Through life, through death, together guide,
 To sing with all the sanctified,
 Around thy azure throne.'

In a letter to his brother, describing this scene, Mr. Charles Wesley adds, "You may more easily imagine, than I describe, the effect. God bowed the hearts of all the people, as the heart of one man, towards Himself, I trust, and towards his servant. They received a large measure of love for you, as their tears witnessed. I have heard of but one exception."

These facts, which I copy from the hand-writing of Mr. Charles Wesley, show that the former days were not better than these. We have not heard that the present opponents of the Conference pray for the speedy death of its members in general, or even of its officers; yet, in the Methodist society of Bristol, prayers to this effect were recommended with respect to the venerable man who founded that society, and who watched over it with more than paternal care for half a century. Let us hope that tears, such as those which Mr. Charles Wesley describes, may be shed by some of the parties who are now taught to cherish a spirit of opposition towards their spiritual guides and Pastors.

MR. WESLEY'S DEED OF DECLARATION.

WHEN Mr. Wesley had drawn up his "Deed of Declaration," constituting one hundred of his Preachers the "Conference of the people called Methodists," a violent outcry was raised against him. Several of the Preachers were greatly offended, because their names were not inserted in this important document; and other persons were alarmed lest the trust which was thus created should be abused. In the midst of this excitement he inserted

the following paper in his monthly Magazine, under the title of "Thoughts upon some late Occurrences." It is important, as showing that the object which he had in view when he constituted the Conference was the unity and continuation of his societies, by securing for them in perpetuity the itinerant ministry, to which they were accustomed, and which they highly valued.

1. In June, 1741, I desired my brother and a few other Clergymen to meet me in London, to consider how we should proceed to save our own souls and those that heard us. After some time, I invited the Lay Preachers that were in the house to meet with us. We conferred together for several days, and were much comforted and strengthened thereby.

2. The next year I not only invited most of the Travelling Preachers, but several others, to confer with me in Bristol. And from that time for some years, though I invited only a part of the Travelling Preachers, yet I permitted any that desired it, to be present, not apprehending any ill consequences therefrom.

3. But two ill consequences soon appeared : one, that the expense was too great to be borne ; the other, that many of our people were scattered while they were left without a shepherd. I therefore determined, (1.) That for the time to come, none should be present but those whom I invited ; and, (2.) That I would only invite a select number out of every Circuit.

4. This I did for many years, and all that time the term "Conference" meant not so much the conversation we had together, as the persons that conferred ; namely, those whom I invited to confer with me from time to time. So that all this time it depended on me alone, not only what persons should constitute the Conference,—but whether there should be any Conference at all, this lay wholly in my own breast ; neither the Preachers nor the people having any part or lot in the matter.

5. Some years after, it was agreed, that, after the decease of my brother and me, the Preachers should be stationed by the Conference. But ere long a question arose, What does that term mean ? Who are the Conference ? It appeared difficult to define the term. And the year before last all our brethren who were met at Bristol desired me to fix the determinate meaning of the word.

6. Hitherto, it had meant (not the whole body of Travelling Preachers, it never bore that meaning at all ; but) those persons whom I invited yearly to confer with me. But to this there was a palpable objection,—Such a Conference would have no being after my death. And what other definition of it to give, I knew not ; at least I knew none that would stand good in law. I consulted a skilful and honest Attorney ; and he consulted an eminent Counsellor, who answered, "There is no way of doing this but

by naming a determinate number of persons. The deed which names these must be enrolled in Chancery : then it will stand good in law."

7. My first thought was to name a very few, suppose ten or twelve persons. Count Zinzendorf named only six who were to preside over the community after his decease. But on second thoughts, I believed there would be more safety in a greater number of counsellors, and therefore named a hundred, as many as I judged could meet without too great an expense, and without leaving any Circuit naked of Preachers while the Conference met.

8. In naming these Preachers, as I had no adviser, so I had no respect of persons : but I simply set down those that, according to the best of my judgment, were most proper. But I am not infallible. I might mistake and think better of some of them than they deserved. However, I did my best : and if I did wrong, it was not the error of my will, but of my judgment.

9. This was the rise, and this is the nature, of that famous Deed of Declaration, that vile wicked Deed, concerning which you have heard such an outcry ! And now, can any one tell me how to mend it, or how it could have been made better ? "O yes. You might have inserted two hundred, as well as one hundred, Preachers." No ; for then the expense of meeting would have been double, and all the Circuits would have been without Preachers. "But you might have named other Preachers instead of these." True, if I had thought as well of them as they did of themselves. But I did not : therefore I could do no otherwise than I did, without sinning against God and my own conscience.

10. "But what need was there for any Deed at all ?" There was the utmost need of it : without some authentic Deed fixing the meaning of the term, the moment I died the Conference had been nothing. Therefore any of the proprietors of the land on which our preaching houses were built might have seized them for their own use : and there would have been none to hinder them ; for the Conference would have been nobody, a mere empty name.

11. You see, then, in all the pains I have taken about this absolutely necessary Deed, I have been labouring, *not for myself*, (I have no interest therein,) *but for the whole body of Methodists* ; in order to fix them upon such a foundation as is likely to stand as long as the sun and moon endure. That is, if they continue to walk by faith, and to show forth their faith by their works ; otherwise, I pray God to root out the memorial of them from the earth.

THE END.

BIOGRAPHICAL NOTICES

OF THE

REV. BARTHOLOMEW WESTLEY

RECTOR OF CHARMOUTH AND CATHERSTON, DORSET, 1645—1662;

AND OF THE

REV. JOHN WESTLEY, M. A.

HIS SON.

VICAR OF WINTERBOURNE-WHITECHURCH, IN THE SAME COUNTY, 1678—1682

THE FORMER, THE GREAT-GRANDFATHER; THE LATTER, THE
GRANDFATHER OF THE LATE

REV. JOHN AND CHARLES WESLEY

BY WILLIAM BEAL.

“He whose heart is not excited upon the spot which a martyr has sanctified by his sufferings, or at the grave of one who has largely benefited mankind, must be more inferior to the multitude in his moral, than he can possibly be raised above them in his intellectual nature.”

SOUTHEY.

L O N D O N

JOHN MASON, 66, PATERNOSTER ROW;

WARD AND CO. PATERNOSTER ROW; AND F. CALDER, 69, OXFORD STREET

MDCCCXXXIX

*** By the proof sheets, the Writer sees that his attempts to condense these Notices to the limits allowed in a Magazine, have led to much of stiffness, and it may be to some obscurity. These pages are now too extended for the purpose for which they were written, except in an abridged form; yet in this way, if thought worthy of notice, to the use of the Wesleyan Book Committee, they are first, most respectfully dedicated. From some little trouble these facts have cost him, meagre as they are, very likely they are of more value in the Writer's opinion, than they will be in the estimate of his readers. Fragments of this kind, which refer to Clergymen who lived two hundred years since, are not the most easily found, and with historical candour combined. But of this trifle, the Writer only craves permission to add: if the Reader should be disappointed by the pamphlet, it is hoped, that he will not be aggrieved by the price.

Chelsea, 1st May, 1839.

BIOGRAPHICAL NOTICES,

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“ KNOWN unto God are all His works, from the beginning of the world.” What we are accustomed to term nature, providence, and grace, are but the development of these known purposes, and the manifestation of God. As these declare unto us “invisible things,” must it not be equally the duty and the privilege of men to behold the Divine Being therein. Creation, is the declaration of God ; the disclosure of those plans, which previously existed in His infinitely wise and benevolent mind ; for “in his book they were written, when as yet there was none of them,” and these in material substances, constitute an important part of that temple in which the Creator ever lives, acts, and should be adored. Men who thus regard visible things, will not contemplate merely so much brute matter, and variously combined substances only ; but forms, by and in which, are brought to the senses and mind, the previously existing patterns and plans, wherein the “back parts” of God are disclosed.

“ He who made of one blood all nations of men to dwell on the face of the earth, hath determined the times before appointed, and the bounds of their habitation.” These “appointments and bounds,” imply both plan and design ; or what we are accustomed to term providence. This important word ideally stands for pre-vision or foresight, and pro-vision or supply. In the special endowments of men, and their disposal as to time, place, and circumstances, for the work appointed them to do ; is not the development of plan very apparent. Especially in connexion with the purpose of God in Christ and the Christian Church ; “Which is his body, the fulness and the manifestation of him, who filleth all in all.”

From Eden to Calvary. From the period when it was said “Go ye into all the world and preach the Gospel to every creature,” to this hour ; Christianity has been, and is, the great work and manifestation of God, and especially of his only begotten Son ; “My Father worketh hitherto, and I work.” The agents employed have been created and formed by him. They have greatly differed as to distinguishing quali-

fications; but have all contributed in the way of heaven to the same end. As mighty operations, though unnoticed in one season, prepare the earth for the flowers and fruits of the next, so good men comparatively unheeded and forgotten, have been chosen instruments in the hand of God to prepare his way. Isaac was one of these, yet but little is written of him, when compared with other patriarchs; though there is much in his character that is worthy of remembrance. No sacred page bids us remember the *prophecies* of Job, but “ye have heard of the *patience* of Job,” is a sentence that should never be forgotten. He suffered and was commended, not for himself only, but as an example to the Church in all ages, that in him the Lord may ever be seen and magnified, “as pitiful and of tender mercy.”

In the agents by which Christianity was successfully made known, and has been continued in the world, amidst the “counsel” and efforts of men; who as a ‘pernicious and pestilent superstition,’ resolved to scout the Gospel from the earth; Divine providence is strikingly apparent. In the estimation of the world, they were “base, weak, and as such despised;” but they brought to nought things that were. Not in the way that the servants of another system prevailed, who said, “believe or die;” but rather, with the command to obey, was connected, ‘believe and die;’ and in the triumphs of the cross, the prime agent is the more discernible. In the immediate successors of the Apostles, were vessels of honour prepared and meet for the Master’s use, whether they are contemplated as ministers, or as apologists. Such also were the witnesses clothed in sackcloth, who prophesied when the gold had become dim, and the most fine gold was changed. To the same end, and by the same providence, the wrath, purposes, and inventions of men were made to praise God:—The Crusades for example, and the fall of Constantinople; these events led to the dispersion of valuable knowledge in Western Europe:—The rise also of the Florentine School in the house of Medici, and the great change in letters to which this led:—The invention at this moment, of printing, and the rapid multiplication of books:—The building of St. Peter’s:—The work of Tetzel:—All, led the way to Luther, Melancthon, and the Reformation; by which as from death, the Church arose in her might.

The honoured names of the most conspicuous actors in this important event, have been deservedly handed down to posterity, and long may they be remembered by men. But there were others equally worthy, who labored, suffered and prepared the way for their more distinguished successors, of whom but little is recorded and known. How scanty for example, are the memorials which have been transmitted to us, of that Deacon, who, A.D. 660, on his return from Mahometan captivity, was hospitably received at Mananalis, in the north of Syria, by Constantine, another Christian in suffering. In the morning when about to depart, the only way in which the Deacon could reward his kind host was, by the gift of a copy of the Holy Scriptures. This became to Constantine, an invaluable gift, and precious seed. He searched the Scriptures, and they became the power of God to his salvation. The blessing he had found, he began to make known to his

neighbours, and with great effect. As the Epistles of Paul were highly valued by this good man, and affectionately commended to his hearers; Constantine and his followers were speedily known by the term Paulicians. Their enemies reported them to be Manichees, but Gibbon, though not their friend, declares, that "the Paulicians sincerely condemned the memory and opinions of the Manichæan sect." Mosheim states the same fact. They were severely persecuted, yet they grew and rapidly extended. From Asia Minor and the east of Europe, they were driven towards the west, and were known as Cathari, a word akin to our Puritans. Still driven by intolerance, their representatives fled to the glens near the Alps, and were proscribed on one side of those mountains as Vallenses or Waldenses, and on the other as Albigenses. From thence they were hunted to the caverns of the Alps, &c. where, as if wolves and not men, they were the jest of their enemies as Turlupins. Still regarded and pursued as reptiles who should be trodden under foot, they fled wherever they could find a refuge. In France their designation was Tisserands from their employ, and the poor men of Lyons. Among these persecuted fugitives, and remnants of early Churches, under different names, whom Bossuet acknowledges as "the Theological, if not the natural descendants of the Paulicians of Armenia," the Protestants of those ages, the flock and Church of Christ was permanently found. It would be no difficult task, to attempt to connect the gift of one solitary copy of God's word, by a suffering deacon to Constantine; with the light that dawned on Wickliffe, Huss and Luther; and which led to the reformation. Yet the deacon and the Paulicians are but little known; and where known, generally it has been, but to be dishonoured.

Luther, and his noble associates, stand before us in growing repute. Yet how few have heard of John de Wesalia, and John Wesselus (if the latter is not the former name Latinized) of Groningen; who was once known and honoured, as the "forerunner of Luther." Wesselus was born A.D. 1419, travelled in the east, became Doctor in Divinity, suffered for the "truth," and died 1489. In his day, Wesselus was so celebrated, as to be known as the "Light of the World;" but that which the most distinguished him, was his preparation by his works and sufferings, of the way for Luther. By this great man some of the works of Wesselus were edited, and he greatly commended him for his learning and worth. By this kindness of Luther, principally if not only the name of Wesselus has been preserved from perishing; yet assuredly the Church owes that man very much, and should cherish his memory, who could be truly spoken of, as the forerunner of the great Saxon reformer. One other fact in reference to Wesselus may be noticed. At the elevation of Sixtus the IV. to the Papal throne, he bade Wesselus ask at his hands some gift. He modestly expressed his wish and prayer, that the pontificate might be to its possessor a great personal and public good. That said Sixtus, is my care; ask something for yourself. Then, holy father, replied Wesselus, my request is that from your library you would grant me a copy of the Scriptures. That said the Pope you shall have; but foolish man, why dont you ask a bishoprick, or something of that sort? The answer was, because I do not

want such things. Like the late John Wesley he was, 'homo unius libri,' 'a man of one book.'

The Reformation, though attended with mighty changes, did not accomplish all that might have been expected, nor long maintain its vigor. It wanted, the *Eclectic Review* says, "the vital spirit of self propagation," became too much secularized, and in strifes and internal contentions, wasted those energies which should have been turned against the kingdom of darkness. Thus fettered and in toils, the work of the Reformers first became stationary, and next rapidly hastened to death. With all their faults, we are greatly indebted to the Puritans and the noble band of Nonconformists, for the preservation of the leading doctrines of the Reformation in Britain. But the children of these men, renounced the faith, and departed from the spirit of their Fathers. What is known as Methodism,—(a term by which the religion of Nonconformist ministers was also known; Mr. Sandercock of Tavistock, in his notice of Richard Saunders, M.A., who was ejected from Kentisbeer, Devon; and who died at Tiverton, reports that he was one of those who were at that time called *New Methodists*) this, has during the last century effected a great change in Britain, the direct and indirect operations of which are mighty in our churches; and from us and America, to the most distant parts of the earth. This "second reformation" has placed the name of the late Rev. John Wesley, very prominently before the world. "The Centenary of Wesleyan Methodism," by our respected President, directs more especially the Wesleyan body to those names and labours, in which they should ever glorify God. But there were other Wesleys, in whom also God should be honored; less distinguished, yet not to be forgotten. By the world they were dishonored, but as men of learning and worth; as Christian Ministers, distinguished by piety; the most exemplary patience, and resignation in circumstances of great suffering; they are worthy of lasting remembrance. In one sentence,—Wesleys, from whom the founders of Wesleyan Methodism have descended; whose name and memory "God and good men" have not suffered, nor will suffer to perish. The writer is favored by being called to put some fragments of the elder Wesleys, which he has carefully gleaned, together; that of these good men, a permanent record may be found in the *Wesleyan Magazine*.

The Wesleys, it is stated by Dr. Clarke, believed their progenitors came from Saxony. Whether the Wesalia, and Wesselus of Groningen, will give any countenance to this opinion, is a question freely left to the judgment of the reader. That the etymon of the family name, is found in the Saxon language, has more of certainty. *Leigh*, *Legh*, *Lea*, and *Ley*; have their common origin, in the Saxon *Leag*; which implies "the extensive unploughed field," "the untilled pasture;" where

"— the lowing herds, wind slowly o'er the *lea*."

This, when the property of Ecclesiastics, was known as Bishops, or

Abbotts,' Leigh. When found in an elevated situation, High-Leigh is the designation. If the direction was West, when compared with some other place; then Westleigh, Westlea, or Westley is the name. In the rural history of our country, places of these, or similar names may frequently be found; especially in the West of England, the residence of the Westleys.

One branch of the family is reported to have settled in Ireland. The wish of an Irish gentleman of this name, to adopt the late Charles Wesley, gives some countenance to the opinion. When disappointed, he chose Richard Colley of Dublin, who became the first Earl of Mornington, and grandfather to the Marquis Wellesley, and the Duke of Wellington. Wood, the Oxford historian and antiquary, in his notice of the Wesleys of Ireland; gives the name "Wellesley or Wesley." "Walter Wellesley, commonly called Wesley, was a Canon regular of the order of St. Austin. He was chosen Prior of these Canons, and Master of the Rolls. In 1531, he became Bishop of Kildare. He died 1539, and was buried in the Monastery of Conal." As far as Wood's authority goes, it would appear that the name had passed from Wellesley to Wesley. There is some reason to think that a similar change has taken place in the family name of persons, who once lived near Wells. (The *Aquæ* of the Romans, Welles, or Wells; from springs or baths.) Wells-Leigh, near Wells, gave its name to a family, once of distinction. In the days of our third Henry, William de Welleslegh held lands there. Philip de Welleslegh, in the third Edward's reign, and Walrond de Welleslegh, when the sixth Henry sat on the British Throne. It is worthy of notice, that Welleslegh, as a family name, is not recently found in that neighbourhood. Apparently it has passed to Westley. At least the latter name is connected with monuments, public charities, &c. in Wells, and its neighbourhood; and from thence through Somerset to Dorset. If in Ireland, Wellesley did pass to Wesley, it would be no strange circumstance if a similar change should have taken place in England. *Legh*, and *Ley*, the Saxon etymon are common to the both; the change, if it has occurred, is found in Welles, (an old plural form) Wells, West, and Wes; the prefixes.*

By the history of Dorset it is found, that persons of the name of Westleigh, Westeley, and Westley, had long resided in that county. Among the nuns, once found at Shaftesbury, is the name of Isabel Westleigh. In 1435, John Westeley, a Prebendary, was Vicar of Sturminster-Newton. John Westley was Rector of Langton-Matrafrey. 1481. The Borough-records of Weymouth state, that in 1655, Jasper, the son of Ephraim Westley, Gent. resided in that town. In the list of Bailiffs for Bridport, in 1691, James Westley is found. And the index of the Gentleman's Magazine seems to point to members of the same family in more modern times. The name of the last mentioned

* Wood's *Athenæ Oxon.* by Bliss, V. 2, pp. 159, 750. Collinson's *History of Somerset*, V. III, p. 405.

from the Rector of Langton-Matravers, to that of the Rector of Charmouth, is to a letter the same. *

Dorset was the undoubted residence of Bartholomew Westley, the Rector of Charmouth; and of John Westley, his Son, the Vicar of Winterbourne-Whitchurch. The former, the great-grandfather; the latter, the grandfather of the late John and Charles Wesley. Official documents, and contemporaneous history attest, that Westley was the family name. Bartholomew Westley was born about the year 1600. No record is known, by which inquiries as to his parents, the place of his birth, or the circumstances of his early life, can be met. But his being sent to one of the Universities, and educated there, may be taken as some proof, that his parents valued learning, and were able to give their son the best means for acquiring this treasure. Dr. Calamy states, that while at the University, he applied himself to the study of physic, as well as Divinity; a fact, which is indirectly confirmed by Jennings, who, in his *Miraculum Basilicon*, says, that, in 1664, he practised physic at Charmouth. Bartholomew Westley appears to have been a studious, diligent young man; who, in addition to his appointed and direct work, acquired other knowledge, which, in after life, greatly rewarded the labours of his youth. Young men who are favoured with such educational means, should highly prize their advantages; and, by the proper use of precious, invaluable, but swift flying opportunity, not only honour themselves, but also their parents and friends. They know not in what times and circumstances they may be placed; nor of what importance some required attainment, or branch of science, may be to them. By his knowledge of medicine, Bartholomew Westley supported himself and family, in those dark days, when he and they were cast on the world.†

In the most trying period of most perilous times, from 1640 to 1650, Bartholomew Westley was called, as a Christian minister, to public life. It has been long reported, that he held the living of Allington, in Dorsetshire, and that from this he was ejected. Allington, or Arlington, was a chapelry; a then little village, a short distance from the western extremity of Bridport; but now an increased population has caused it to be united with that town. More likely John Eaton, the minister of Bridport, from 1650, to the restoration, supplied the chapel at Allington, as he is said, by Hutchins, to have received £30 annually from that village. The mistake as to Bartholomew Westley, and Allington, arose from a report made to Dr. Calamy, and which he thus gives:—"I have been informed that Mr. Bartholomew Westley was ejected from Arlington, and Mr. Burd from Charmouth." In the first edition of the Nonconformists' Memorial, the editor copied this statement, but placed an asterisk before it, as an indication of doubtfulness. In the second edition of the last-mentioned work, the error

* Hutchins' History of Dorset, 2nd Ed. V IV, p. 185, V I, pp. 340, 393. 495. V. III, p. 36.

† Hist. Dorset, Vol. I. pp. 521, 117. Dr. Calamy's Continuation, Ed. 1727, Vol. I. p. 429. *Miraculum Basilicon*, by Abraham Jennings. Gent. Mag. Vol. LV p. 427.

is corrected. Yet by some biographers of the Wesleys, who quoted from the first edition, the mistake has been long continued. Very likely something was reported to Dr. Calamy, that referred to Mr. Westley and Allington. Did he reside, or close his days there? But as to his ejection, it should have been that this was from Catherston, and that he was there succeeded by Mr. Bird.*

Names, places, and dates, are important matters in history. To those who value accuracy, it will be matter of satisfaction to find, that copies of official documents yet remain, by which we are led with certainty to the rectories and home of Bartholomew Westley. In 1649, Whitelock, Keeble, and Lisle, were appointed Lords Commissioners of the Great Seal. In the same year they were ordered to inquire into the yearly value of all ecclesiastical livings, to which any cure of souls was annexed; to certify to the Court of Chancery the names of the incumbents who supplied the cure, and their respective salaries. Happily, returns to this commission have been preserved, and by these documents, as well as by other quotations, given below, the family name, and the village where Bartholomew Westley resided, are reported to us with certainty. The following are copies of these documents:—

“ CATHERSTON.

“ Bartholomew Westley's glebe, five acres, worth £3 10s.; his small tithes, £10.; in all, £13 10s.”

“ CHARMOUTH.

“ Bartholomew Westley, the present possessor, by sequestration. The house and four acres of glebe are worth, per annum, £1.; the tithes of the parish, £18. They desire that Catherston may continue annexed, as it was by order of the Committee of the county.”

These returns were made, 1650. Charmouth and Catherston are villages in the south western extremity of Dorsetshire; they join each other, and are about two miles distant from Lyme. The inquisitive traveller may easily distinguish Catherston by its fir trees, on an eminence to the right, as he descends to Charmouth from Bridport.]

The rector of these parishes appears to have been greatly esteemed.

* Nonconformist's Memorial, Ed. 1. Vol. I. p. 112. Ed. 2. Vol. II. p. 115.

† Hist. Dorset, Vol. I. p. 129.

One Westley, the parson of Charmouth. *Miraculum Basileon*, Ed. 1661.
Westley, the Puritan minister of that place. Boscobel Diary, p. 65.
Westley, then minister of Charmouth. *Ib.* Ed. 1681, p. 115.
The minister of the place, one Westley. *Elenchus*, by Dr. G. Bates.
Ed. 1685, p. 113.
Charmouth. Mr. Westley, senior. Baxter's Life and Times. Ed. 1713. Vol. II. p. 280.
Charmouth. Mr. Westley, senior, that is, Mr. Bartholomew Westley.
Dr. Calamy, Con. Vol. I. p. 429.

as a pious, kind, and prudent man. The times had exacted from him, in common with others, whether Episcopalian, or Presbyterian, oaths and pledges of fidelity to the existing Government. That he held these appeals to heaven as sacred, is sufficiently attested by his afterwards becoming a Nonconformist. There is no evidence that he was ever a bitter political partizan; had he been, few persons had equal opportunity for signalizing themselves in this way; he appears to have cherished a better state of mind, and this in days when moderation was but little known. That he was a devout man, a Christian in his family, one who prayed to and held communion with God, testimony may be gleaned from many witnesses, and which is not the less valuable for having been given in derision, and by enemies. On the morning of the 23d of September, 1651, Henry Hull, hostler at the inn at Charmouth, and who had belonged to Captain Massey's "piqueet," then at Lyme, went in haste to the house of Mr. Westley, to report as to a principal person of the village, that certain suspicious strangers had just left the inn. He was engaged in family-worship, and would not by such reports be disturbed; or, in the words of the writers of the age, "his morning exercise" — "long-winded prayer" — "at his morning prayers" — "whom he found engaged in family-worship." It is true, when his morning-worship was concluded, he then listened to the report of Hull. This information being so directly and publicly conveyed to him, and Bates says, that, on the very day preceding, a "proclamation," dated Westminster, September 10, 1651, had been published at Lyme, wherein it was declared, that whoever afforded "aid or concealment" to certain parties, should be considered as "partakers and abettors," and that death should be the punishment. The Rector made inquiries at the inn, and though he knew not who those strangers were, yet if he communicated what had been thus told him to the nearest magistrate; he could not with safety do less. But as to the harsh statement of Wood on this incident — Westby, the "foolish Presbyterian minister" of Carte. The solemn fast-day, the then public service, the degrading designation of the "weaver-preacher, who had been a soldier" of Clarendon. The king, it is said, "was among the audience," and what took place after his departure would be reported to him. But in the narration of Charles himself to Pepys, whose "account" is now before the writer, not one word in reference to all this, and the decoration, is found. Hughes, the general admirer of Clarendon in his late republication of "Boscobel," states this part of the history to be a "tissue of blunders and inaccuracies." The Quarterly Review, No. 124, speaks of these as "lapses of memory," and thus accounts for them:—"A considerable portion of Clarendon's history was written under the afflictions of age, infirmity, and exile—without notes to assist, or documents to correct the frailty natural to even the best memories. Lister declares Clarendon's work to be "but an *apology*" for one party. Ed. Rev. No. 139. The fact is, in the days of those writers, he that could the most caricature, expose to ridicule, and, in many cases, malign, an outcast Nonconformist minister, was supposed to do the State the greatest service.*

* See last given references; and Pepys' "Account," &c. Ed. 1766. pp. 48, 49.

It is said above, that Bartholomew Westley held Charmouth as a sequestered living. Circumstances, very different in their nature, led to the sequestration of many of the Episcopal clergy; such as the "Solemn League and Covenant"—the "Negative Oath"—petitions from parishes against ministers as "scandalous;" and, in some cases, as it is, with as much of candour as truth, stated by Dr. Vaughan, persons were expelled because they had truly conscientious scruples, and to make room for others more conformable to the new standard of orthodoxy; the latter deserve a place among the confessors of the seventeenth century, no less than the Puritans. But the petitions presented and referred to a committee of which John White, "a grave lawyer," and Member for Southwark, was chairman; and the work termed "The First Century of scandalous, &c. priests," furnished other reasons for the sequestration of many incumbents. Yet mercy was "mingled with judgment;" they were not cast on the world without any means of support; one-fifth part value of their livings was allowed them; and none, except by direct and continued acts of hostility to the Government, were left in a state of entire destitution. And, in the work just referred to, John White directly states, that those only who were examined and approved by the Assembly of Divines, or their deputies, were allowed to succeed the sequestered clergy.*

Bartholomew Westley was no doubt thus examined, approved, and appointed: but immediately on the return of the Second Charles, he was ejected from Charmouth as an "intruder." His successor, Timothy Hallett, is found in possession of the Rectory, March 4th, 1662. In the declaration from Breda, the king had promised that no man should be disquieted, or called in question for differences of opinion on religion. "We do declare a liberty to tender consciences." And the ministers of the day confidently relied on his word. But the same act of the Convention parliament restored not only the king, but also the laws, both civil and ecclesiastical to the state in which they were at the commencement of the war. Clarendon withdrew the question of Church controversies from the parliament, and the sequestered clergy were restored to their former livings. Baxter states, that within three months of the restoration, many hundred worthy ministers were displaced and cast out of their charges, because they were, no matter for what cause, in sequestration. That there were two periods when ministers were ejected, at the commencement of the Second Charles' reign, is a fact which is not always distinctly noted, in the history of these times. The first was at the speedy if not immediate restoration of the ejected clergy, or the driving away of those in possession as intruders; the second was, by the act of uniformity, in August 1662. How, and at what periods, these causes affected Bartholomew Westley, the following extracts from ecclesiastical records will give information.

* Dr. Vaughan's Stuart. Dyn. Vol. II. p. 157. John White's Century, &c. 1643.

“CHARMOUTH.

“*Rectors.*—Samuel Norrington, 1599; he was sequestered 1610. Bartholomew Wesley, intruder; he was ejected after the restoration. Timothy Hallett, 4th March, 1662.”

“CATHERSTON.

“*Rectors.* Laurence Orchard. Bartholomew Westley. Benjamin Bird. 14th October, 1662.*

Bartholomew Westley, from the 24th of August, 1662, when ejected from Catherston, was with his family cast on the world, or rather on the merciful providence of God. It is matter of sincere but unavailing regret, that the publication of certain adorned works on one side, and perhaps conformity and dislike to everything puritanical on another; should have prevented the world from knowing more of the good Rector of Charmouth. But from what is preserved, how much of excellency does his character declare! As a young man, he worthily and honourably employed his time at the University, in the acquisition of that knowledge which led to usefulness and profit. As a Christian parent and head of a family, more than one fact proclaims that he walked before his house with a perfect heart; in the acknowledgment and daily worship of God, from which the world was not permitted to divert him, and in the Christian education he gave to the only child of whom any memorial has descended to posterity: In the latter relation, he had his reward, in the happiness of an obedient, well educated, and useful son, whom we hasten to notice, and in whom we may contemplate the excellence of the father. As a minister, Dr. Calamy reports that he was distinguished by a peculiar plainness of speech, and was not what the world terms popular. This may, or may not have been proof of his fidelity and worth. While some seek “enticing words of man’s wisdom,” others as studiously avoid them, that the faith of professing Christians may not stand in the wisdom of men, but in the power of God: howbeit, in the estimation of the perfect, such speak wisdom. The British Critic, in his notice of certain works, of a luminary that but lately rather glared, than shone in the Metropolis, says, “It *may* not be a preacher’s fault that he is popular; but it *will* be his fault if he long continue so. What go these motley multitudes to hear? The Gospel? If the Gospel were preached in Christian simplicity and truth, they would not be there. They come not to be taught, but to be tickled; they come not to purify their hearts, but to pamper their imaginations; to gratify an idle, selfish, and unholy appetite for high seasoned rhapsody. And what they seek they find.” As a friend and physician, Mr. Westley appears to have been greatly esteemed by his people. Dr. Calamy states that as a medical friend, he was often consulted while a beneficed clergyman; but after his ejection, though he preached as he had opportunity; yet he had much more employment as

* Baxter’s Life and Times, Vol. II. Pref. pp. 5—17. Vol. I. pp. 141. Neal’s Hist. Puritans, by Toulmin. Ed. 1837. Vol. III. p. 66. Dr. Vaughan, Vol. II. p. 298. Hist. Dorset, Vol. I. p. 521.

a physician than as a minister. The blamelessness of his character, in every respect, amidst the most trying and dangerous circumstances, is fully attested by the place of his abode, as long as he could remain there after his ejection. This was at Charmouth, among his own people, where he was best known, and his character justly appreciated. No act in either his private or public life, led him to withdraw from the village where he had lived; and to put himself out of the way of scrutiny or examination. We find that his worthy son was imprisoned as early as 1661; but no one found occasion to incarcerate the father. This, to all unprejudiced persons, will be a sufficient reply to embellishments in certain old and re-published tracts, the writers of which worshipped the rising sun. The fact of Bartholomew Westley's continued residence at Charmouth, is attested by Abraham Jennings, no friend to the Nonconformists, in his *Miraculum Basilicon*, published 1664. He refers to the late Rector, and adds, "This Westley of Charmouth, is since a Nonconformist, and lives by the practice of physic in the same place;" but from Charmouth, and his accustomed means of support, Mr Westley must have been driven the next year, by the five-mile act, as this village is not two miles from Lyme, an incorporated town. Most of the Nonconforming clergy remained in the midst of the people who had constituted their charge, and gave so much of a religious character to their frequent intercourse with them, as in some measure to supply the place of their former services as preachers. By this means, also, much of that pecuniary support, of which their ejectionment was expected to deprive them, continued to be received, and their influence through the country was not lessened by their appearing among their followers, in the light of sufferers, on the score of integrity and religion. To deprive both ministers and people of this little, and almost last worldly comfort, an act was passed, which required every person in holy orders, who had not complied with the act of uniformity, to bind himself by oath to passive obedience, and to protest that he would never seek to make any alteration in the government of Church and State. Certainly, the first duty that well organized bodies owe to themselves, is preservation; and peculiar positions of society may lead men to seek or to sanction legislative enactments, which in other cases they would resist. (though some one says, what the writer puts in parenthesis, as he wishes to have no sting; "for some secret reason, the most prostitute admirers of these maxims generally claim an exemption in behalf of themselves") When necessity requires these, and public good is the result, praise and not blame belongs to the firm friends of the "Supreme Law" for prompt and proper measures. But this is a case which requires great discernment and wisdom. If the spirit of party and worldly policy be substituted for righteous principle; men in power may be found fighting against God. And not only so; but, such are the changes to which human things are subject; they may by possibility find themselves by their own principles and enactments, in circumstances of great perplexity and danger. (See *Quarterly Review*, No. 50. pp. 297. 298.) The proof of this is found in the oath sought to be imposed by the "Oxford Act," namely, "I do swear that it is not lawful upon any pretence whatsoever," &c. to resist one branch of authority in a certain way; and in the steps, that were no doubt with great reluctance taken by the

framers, or friends of this oath when the plans of the Second James began to be plainly developed. The Nonconformists who refused thus to swear, were prohibited from acting as tutors and school-masters; they were not to be seen, unless on the road passing from place to place, within five miles of any corporation; or the place where they had been previously ministers. The violation of this law exposed the party to the penalty of forty pounds, and six months imprisonment. This severe enactment was designed to complete the triumph of the oppressor; and by it Bartholomew Westley was driven from his friends, as well as the Church. Forbidden by law, the Nonconformists of the south west of Dorset, stole away to the solitudes of Pinney, and there in a dell between rocks, like the covenanters elsewhere, they worshipped their God. A sacred spot, unknown and unvisited by few of Lyme and its vicinity, who delight in facts of distant times. This place has ever since been known as Whitechapel Rocks.*

The last record we have of Mr. Westley is thus given by Dr. Calamy, "He lived several years after he was legally silenced; but the death of his son, made a very sensible alteration in the father, so that he afterwards declined apace, and did not long survive him." These were his circumstances in age. The vigour of his life had passed; though not the affection and tender heartedness of a father. But when the anticipated prop of his old years was gone. Then alone—dishonoured—an outcast—he bowed his head and died.†

The record of the labours, sufferings, and sorrows, of the learned, pious, and deeply-injured Nonconformists, is not only on high, but also among men. And, not for Sectarian purposes, (the writer would not pen one sentence, not even in any indirect way, to give pain to one worthy member of any religious body,) but as a beacon to future generations, long may it remain; living Christianity, though weak in its instruments, is mighty through God. Conscience has its claims, and truth its power, which no human arm can destroy, nor even long arrest. Never was counsel more turned to foolishness, nor purposes and anticipations defeated, than in the advice given to Charles, as to the then clergy, and the consequences thereof. Good men may be ejected, and the body may be killed; but Divine truth is imperishable; with new vigour it shall spring from what was designed to be its tomb, and immortally live. The severity of the persecution to which these good men were exposed, (as the Christian Observer states it in reference to one,) is not to be estimated by intolerant laws and popular virulence only, but by the gradation of a far nicer scale. To be a proverb and bye-word, to stand despised and alone, where they might naturally wish to be esteemed and loved; to be taunted, thwarted, and rebuked by former companions and friends; this is the refinement of moral persecution;—the reproach that breaks the heart. Bartholomew Westley was driven from Charmouth; yet the fruits of his ministry remained. About twenty-five years after the last mentioned date, the Noncon-

* Rapin's Hist. England, Vol. II. pp. 641—758., 762. Dr. Vaughan, Vol. II. pp. 341. British Critic, July 1823. Roberts' Hist. of Lyme.

† Dr. Calamy's Continuation, Vol. I. 429.

formists erected a chapel in the village, of which the Rev John Brice, formerly of Magdalen College, Oxford, was the first minister. This clergyman had been curate to Mr. Thorne, of Weymouth, next the incumbent of Marshwood, Dorset; from which he was ejected, 1662. Mr. Brice, continued the minister of the chapel at Charmouth, unto the time of his decease, March 15, 1716. To the Christian kindness of the late Rev. Benjamin Jeanes, of Charmouth, when he was sick unto death, the writer is indebted for the following list of ministers, the successors of Mr. Brice :

The Reverend	Batten.
.....	Henderson.
.....	Scaward.
.....	Isaac Tozer, 1795.
.....	Miall, 1796.
.....	Crook, 1810.
The Reverend Benjamin Jeanes from 1812 to 1838.	

In the direct fruits of his ministry, the Rector of Charmouth is but little known ; but though ejected, dishonoured, and alone, hath not the Lord greatly “ comforted Zion ” by his descendants ? The grave, in some unknown spot, contains the dust of the silenced Mr. Westley ; but in the world is his name extinct ! To the glory only of Him, with whom all creatures are as nothing, and if there be no impropriety in the accommodated use of the following words to a creature, the reply is,

“ Lift up thine eyes around, and see ;
 All these are gathered together ; they come to Thee. (The Messiah.)
 As I live saith Jehovah,
 Surely thou shalt clothe thyself with them all, as with a rich dress ;
 And bind them about thee, as a bride her jewels.
 For thy waste, and thy desolate places,
 And thy land laid in ruins.
 Even now it shall be straightened with inhabitants ;
 And they that devoured thee shall be removed far away.
 The sons, of whom thou wast bereaved, shall yet say in thine ears :
 This place is too straight for me ; make room for me, that I may dwell.
 And thou shalt say in thine heart : Who hath begotten me these ?
 I was bereaved of my children, and solitary ;
 An exile, and an outcast, who then hath nursed these up ?
 Lo ! I was abandoned, and alone ; these then, where were they ? ”
Bishop Louth's, Isaiah xlix. 18.

“ Unto God only, be all glory in the Church by Christ Jesus, throughout all ages, world without end.” Amen.

JOHN WESTLEY, M. A.*

Vicar of Winterbourn-Whitechurch, Dorset, 1658—1662.

John Westley, M.A. the son of Bartholomew Westley, was born about the year 1636. In those days, the children of truly pious parents, received religious instruction with the same regularity that they received their daily food. Nothing was then thought worthy the name of education, which was not based on Christianity, and sanctified by the Word of God and prayer. Should the reader inquire in what this consisted, he ought to be directed to the works of the Puritans and Nonconformists for information, and not to the reports of their enemies. Take for example, the published Lives of Philip and Matthew Henry. From these we learn that family religion formed an essential part of their discipline; and that they made it a matter of conscience to instruct their children and dependants in their social, moral, and religious duties. It was also their practice to set apart particular days for prayer and humiliation, in seasons of calamity; and for thanksgiving on the reception of special benefits. In those, and subsequent times, the world has made them their scorn, as fanatics; but though derided as Enthusiasts, and for the uncourtly severity of their manners; yet, there are periods when those, by whom the Nonconformists have been reproached, would gladly say, 'May I finally be found with these good men.' In this way it was the happiness of John Westley to be instructed, and from early life to be dedicated to the service of God. And it was the solace and joy of his parents, that in this duty they had not laboured in vain. It would be injustice equally to the parents and to the son, to withhold from the reader the fruits of this education, as they are brought down to us by the valued diligence and care of Dr. Calamy. "It pleased God to incline this Mr. John Westley to remember his Creator in the days of his youth, and lay him under serious impressions in his tender years. He had a very humbling sense of sin, and a serious concern for his salvation, even while he was a school-boy. He began to keep a diary soon after God had begun to work upon him; and not only recorded the remarkable steps and turns of Providence that affected his outward man, but especially all the methods of the Spirit of Grace in his dealings, with his soul. What was the frame of his heart in his attendance on the several ordinances of the Gospel; how he found himself affected under the various methods of Divine Providence, whether merciful or afflictive. And this course he continued with little interruption to the end of his life." How great the worth of this journal, if it could now be found. In communication with Hutchins, the Dorset historian, a Mr. Bartlett, of Wareham, appears to have quoted from it, or at least to have been

* Thomas Edge, Esq. of Vincent Square, Westminster, possesses a very fine painting; on the back of which is written, "John Wesley, A. M. of New Inn Hall, Oxford, grandfather to the late celebrated Mr. J. Wesley, ejected for Nonconformity."

well acquainted with the circumstances of Mr. Westley's life, Are any such records in that family now ?^{*}

At the proper age, John Westley was sent to Oxford, and became a student at New Inn Hall, that to the service of the sanctuary he might be presented in the best state of preparation. At this period, events had led to important changes in the religious establishment of the country. By the "Et Cetera" Oath, and other strong measures, it was thought this might be preserved. These, however, not only defeated their own purpose, but by re-action, led to the "solemn League and Covenant." "The Negative oath." "The agreement of the people;" and the Puritans to power; Episcopacy gave place to the Presbytery; the Liturgy to the directory; the modes of worship were different; and new persons were borne on to authority:—but the old spirit too much prevailed. The Divine right of Episcopacy, had passed to the Divine right of the Presbytery; and the Clergy who changed not with the times, and who could not conscientiously submit to rapid legislation, were exposed to much of suffering. The ascendant Clergy, "in rejecting the old regimen, were concerned that a *secular prelacy* should not be substituted in the room of the Ecclesiastical. The Commons, on the other hand, were equally vigilant to prevent any spiritual authority to succeed the past, which would perpetuate the same evils under a different name." This led the Parliament to convene the "Assembly of Divines"—to give their judgment on such questions, as the Lords and Commons might submit to their deliberation. The majority of this assembly, were the children of Oxford and Cambridge, who had filled distinguished situations within the pale of the Establishment; though in the period spoken of, they had become Presbyterians. There were a few Erastians, who derived their chief support from Lawyers, especially Selden and Whitelock. But the great controlling and modifying power, with which the Presbyterians had to contend, was found in the friends of a small body of returned exiles, who had embraced the principles of the Independents. These, for very important reasons, were placed in this arena of Theological warfare.†

It is most certain, that much of lamentable error and extravagance sprung up during the unnatural excitement of the day; especially among those who bore the name of Independents in the army. In the words of Mr. Baxter, "Visionaries and Antinomians sprang up, 'as the river Nilus breeds frogs, when one part moveth (saith Herodotus) before the other is made, and while it is yet but plain mud.'" The Gangrana of Edwards, a bitter writer, is sufficient proof of this. But these visionaries must not be supposed to represent, in consequence of their name, and their opposition to the ecclesiastical Government of the day, Dr. T. Goodwin, Burroughes, Nye, Phillips, Dury, Simpson, and afterwards John Goodwin, &c. These were men of very different principles and mental power. Dr. Lingard says, they were very few, and

^{*} Wilson's Life of De Foe, Vol. I. p. 11. Dr. Calamy, Vol. I. p. 137. Hutchins' Dorset, Vol. I. p. 117.

† Dr. Vaughan Stuart Dyn. Vol. II. pp. 118–153.

could only compensate the paucity of their numbers, by the energy and talent of their leaders. They never exceeded a dozen in the "Assembly," but these were veteran disputants—eager, fearless, and persevering—whose attachment to their favorite doctrines had been rivetted by persecution and exile, and who had not escaped from the intolerance of one church, to submit tamely to the control of another. These, it is stated by Clarendon, were the more learned and rational; and though their congregations were not so great as those of the Presbyterians, yet they infected and were followed by the most substantial and wealthy citizens. To the labours and sufferings of these good men, the world is greatly indebted for more correct views of religious liberty, than had before prevailed. Nor in this honourable work should, what in derision is termed the "Long and Rump Parliament," be forgotten, which first abolished torture, The Penal Statutes, and allowed all who took the "Oath of Allegiance" to the State, to think and worship, as they thought the Gospel required.*

Mr. Westley, on his entrance, and continuance at Oxford, found Independents of great name, in the high places of that University. Dr. Thomas Goodwin, the president of Magdalen College, had from among the collegians, what was then termed "A gathered church," in which was found Stephen Charnock, Theophilus Gale, John Howe, &c.—men afterwards of great celebrity—Dr. John Owen also, who had lately been appointed Vice Chancellor of Oxford. He found the University in great disorder—set himself vigorously to correct these evils, and happily succeeded. Among the students he acted as a father: the vicious he discouraged and punished; but the modest, diligent, and worthy, he encouraged and rewarded. Among the latter was Mr. Westley. Dr. Calamy states, "during his stay at Oxford, he was taken notice of for his seriousness and diligence. He applied himself particularly to the study of the Oriental languages, in which he made no inconsiderable progress. Dr. Owen, who was at that time Vice Chancellor, had a great kindness for him, &c." Ingenuous, and right-hearted young men, become greatly attached to those who are pleased thus generously to notice, and kindly to patronize them. In this case, the young, diligent, and plastic student, was worthy his distinguished friend; and it is no matter of surprise, on this ground only, that on Church government, and perhaps on other subjects, he became a convert to his Patron, the Vice Chancellor.†

John Westley having honourably acquitted himself at Oxford, and taken his degree, is next found at Melcombe, or as the united towns are now known, at Weymouth. To Oxford he had taken the inestimable treasure of genuine piety: this he not only held fast, but also associated with it valuable accredited learning; and as proof of both his piety and wisdom, immediately on his return to Dorset, he is found in the closest connexion with the Christian Church. His collegiate

* Baxter's Life and Times. Lingard, X. 271. Jackson's Life of John Goodwin, p. 102.

† Life of John Howe, by Dr. Calamy. p. 4. Orme's Life of Dr. Owen, p. 127.

education had not led to vanity, nor to suppose himself too great, or too learned to be, what was his best, his ennobling distinction; namely, a humble Christian. Duty, as he apprehended it, led him not to the most honoured, but the "gathered Church," at Weymouth. He thus avoided the snares of the world, so dangerous to the young; and took the best means in communion with the wise and the good, to learn those lessons of self-dis-trust, and attain that degree of piety, for which nothing can be an equivalent in a Christian minister. Awaiting the voice of heaven, to this important work he was in due time called; first, occasionally among his own people, at Radipole also, which is two miles distant from Weymouth; and among the seamen along shore. These labours were not only approved, by judicious Christians and able ministers; but they were also attended with success, in the apparent conversion of souls. At length he was fully dedicated to the Christian ministry: his own Church, by fasting and prayer, recommended him to the proper ecclesiastical authorities: when examined and approved by these, he was appointed by the Trustees in May, 1658, to the vicarage of Winterbourne-Whitchurch, in Dorsetshire. The following is copied from the ecclesiastical records of this parish:

"WINTERBOURNE-WHITCHURCH.

"Vicars.—Tobias Walton, 1603. John Westley, M. A. 1658: ejected, 1662. Edward Sutton, instituted, 1679."*

Winterbourne-Whitchurch, is on the Great Western Road, five miles from Blandford, towards Dorchester. To the traveller going westward, the church is the most conspicuous object, as he descends to the village; but coming from the west, it is hid, until he ascends the hill on the eastern extremity. This Whitchurch is distinguished by the Winterbourne, which is a winter torrent, but a summer brook, and runs across the village. In the west of Dorset, is another Whitchurch, but which is correctly Whitchurch Canonicorum. The income of Mr. Westley's vicarage was not above £30 per annum; and it is not known that Turnwood, an adjoining village, where he occasionally preached, afforded him any thing additional. When appointed to his living, he was promised an augmentation of £100 per year; but the great and rapid political changes of his day prevented this from ever coming to his hands.

Being settled, and providence apparently directing his way, he was soon suitably married. The wife of his youth, and who long survived him as his "desolate widow," would not be otherwise known to posterity, than the niece of Dr. Thomas Fuller, but by the following letter from the late Rev John Wesley, to his brother Charles. The date is London, January 15, 1768; and it states, "So far as I can learn, such a thing has scarce been for these thousand years before, as a son, father, grandfather, *atavus, tritavus*, preaching the Gospel, nay, and the

* John Westley's Diary, Calamy, Vol. I. pp. 437, 432. Hutchins, Vol. I. p. 117.

genuine Gospel in a line. You know, Mr. White, sometime Chairman of the Assembly of Divines," was my grandmother's father." By this letter, so happily preserved, we may learn the estimation in which Mr. Westley was held by his connexion with ministers, certainly among the most distinguished in the West of England. In the days of John Westley, there were two very celebrated men, whose name was John White. The one, the Assessor in the Assembly of Divines; and better known as the Patriarch of Dorchester: the other, whom Clarendon designates "a grave lawyer," was the Member for Southwark, 1640; and Chairman of the Committee to which the petitions against some of the clergy were referred. Unless there is some mistake, the Wesleys are descended from both these John Whites. In the "Complete History of the Most Remarkable Providences," printed by John Duntton, 1697, chap. cxlvii. p. 157, this statement may be found: "The following Epitaph was written on the Tomb-stone of John White, Esq. Member of the House of Commons, 1640; and father to Dr. Annesley's Wife, lately deceased:

Here lies a *John*, a burning shining light,
Whose name, life, actions, all alike were WHITE.*

Mrs. John Westley of Whitchurch, was the niece of Dr. Fuller. This well-known clergyman and writer, was the son of the Rev. Thomas Fuller, Rector of Aldwinckle, in the County of Northampton. Thomas, the son, was born 1608; and at the proper time became member of Queen's College, Oxford. Dr. Davenant, Bishop of Salisbury, was his mother's brother; from whom, in 1634, young Fuller obtained the living of Broadwindsor, in Dorset. In 1635, Dr. Fuller married "a vertuous young gentlewoman" of *that country*, who died 1641. As Mrs. Westley was his niece; and Mr. White, of the Assembly of Divines, was her father; the probability is, as Mrs. Fuller was a young gentlewoman of that vicinity, that she was the sister of Mrs. John White, of Dorchester.†

From Fuller the uncle, we pass to a nearer relative. The letter just noticed, states, "You know Mr. White, some time Chairman of the Assembly of Divines, was my grandmother's father." John White, long known, and greatly revered as the "Patriarch of Dorchester," was the son of John White, of Stanton St. John, Oxfordshire, where his father held property belonging to New College. John, the younger, was born the end of December, 1574. Educated in Grammar learning, in Wykeham's School, Winchester. Became a student at Oxford; and in 1595, fellow of New College. About 1605, he left for Dorchester, being appointed Rector of Trinity Church, in that town; and where he laboured with exemplary diligence and usefulness, nearly forty years. In 1643, John White, was not only called by the Parliament to the Westminster Assembly of Divines, but also with Dr. Cornelius Burgess, his brother-in-law, appointed Assessor. By the Parliament it was

* Wesley's Works, last Edition, Vol. XII. p. 125.

† Life of Dr. Fuller, Worthies, p. 13. Hutchins', Dorset, Vol. I. p. 609.

ordered, that whenever Dr. Twisse, the Prolocutor, was by any means prevented from taking his place, that one of the Assessors should fill it as Chairman. In this assembly, John White, was regarded as one of the most learned and moderate of its members; and he had the rectory of Lambeth bestowed on him. But when the times became less violent, he left London for Dorchester, that he might end his days among the people where he was equally beloved and honoured. In the West, it is said, his influence was so great, that more respect was tendered to him, than to his diocesan. In 1647, he was chosen warden of New College, Oxford; but he declined the honour. He married a sister of Dr. Burgess, the great nonconformist. Bartholomew Westley's rectory was about twenty miles west of Dorchester. To the Grammar-school in this last-mentioned town, very likely John Westley was sent, as Samuel, his son was afterwards; and thus he became known to the Rector of Trinity. John White died suddenly at Dorchester, the 21st of July, 1648, and was buried there, in the porch of St. Peter's Church.*

The wife of John White was a sister of Dr. Cornelius Burgess. The Burgess family was from Batcombe. Cornelius was sent to Oxford, about 1611. He was first found at Wadham, next at Lincoln College. When he took orders, the vicarage of Watford, Herts, was given to him; as shown by the following extract :

" WATFORD.

"Vicars.—Cornelius Burgess. M. A. Instituted 21st December, 1618, &c."

Dr. Burgess was appointed chaplain to King Charles the first; next, one of the Assessors in the Assembly of Divines, and filled a very prominent situation in those days. He was frequently selected to preach before the Parliament; chosen Moderator in circumstances of difficulty; and headed the London Ministers in a protestation against the trial of the King. Dr. Burgess is said to have had as much influence at Court, as an Archbishop of Canterbury. At the restoration, he was ejected from St. Andrew's, in the city of Wells. Having employed all his money in the purchase of Church property; the change of times reduced him to absolute poverty. Wood has some most ungenerous reflections on the affliction by which Dr. Burgess was brought to death. He died at Watford, June 1665.†

From these names it is not too much to infer the reputation and worth of the young Vicar of Whitechurch; but the time speedily came when they could be of no advantage to him. Some four months after Mr. Westley obtained his vicarage, Cromwell fell. Richard, who succeeded him in the Protectorate, had neither the love of power, the energy, nor the decision of character, which distinguished his father, and

* Hutchins', Vol. II. p. 5. Fuller's Worthies, Ed. 1811. Vol. II. p. 233. Wood's Ath. Ox. Vol. III. p. 236.

† Clutterbuck's Hist. Herts. Vol. I. p. 256. Wood's Ath. Ox. Vol. III. p. 681. Fasti, Vol. II. pp. 381, 433. Neal, Vol. III. p. 146. Calamy, Vol. II. p. 736.

the military directed, or precipitated the nation. The sceptre, powerless in the hands of the Protector, fell after the dissolution of the parliament, to the Rump, and the Committee of Safety. Monk quickly put an end to this state of things; the 21st. Feb. 1660, those persons were restored to the Parliament, who had been ejected before the trial of the late king; the 16th of March, this Parliament dissolved itself; the Convention-parliament met, April 25th, and the Second Charles was hailed as the lawful Sovereign. In consequence of these changes, Mr. Westley never obtained his promised augmentation, and he was obliged to set up a school for the support of his family. His friends, whatever their previous ability, were rapidly becoming powerless. Dr. Fuller might possibly have served his niece and her husband; but in 1661 death took him away. When Dr. Calamy wrote, and described Mrs. Westley as the niece of Dr. Fuller, the latter was in high repute. But the name of John White, and Dr. Burgess had sunk; thick dark clouds had obscured their worth; and to have spoken of John Westley as the son of John White, and the nephew of Dr. Burgess, would have been no honour.

This sketch has little to do with references to these times, and historical notices; but as they are necessary to explain the position, and connect the biographical fragments of the Westleys. In the Convention Parliament there were some who had misgivings, as to events which awaited them and their ministers. In prospect of these, a committee met on Ecclesiastical affairs, before the king's return. The following entries in the Journals of Parliament, copied by a writer in the *Quarterly Review*, No. 124, appear plainly to attest this fact: "9th May, 1660.—Mr. John Stephens, reports a bill for establishing ministers settled in Ecclesiastical livings, which was read a first time. And again,—“16th May 1660.—A bill for continuing of ministers in their parsonages, and Ecclesiastical livings, was read a second time, and committed to the same committee.” (May 29th, the king came to Whitehall, and on June 1st, the Convention was changed to a parliament.) The above bill, or another for the settlement of Religion was submitted to a grand committee, which met twice in July, but to no purpose. The committee adjourned to the 23d of October, and then referred the matter to the king, and a select number of Divines. It was hoped that some accommodation might be made by mutual concession: but it soon became apparent that men in power had other objects in view, for the accomplishment of which a new parliament was called. The ejection of worthy clergymen, and other indications, led the Presbyterians to prepare for sufferings. A system of espionage was largely established. Such persons as would be thus employed were sent into the congregations, to report to the men in power, whatever they might misunderstand, or misconstrue. If a minister lamented the degeneracy of the times, and expressed his concern for the Ark of God; he was speedily reported to some magistrate as an enemy to the king and government. By such means many of the excellent men of that day were betrayed, traduced, and sent to prison. In proof of this, it will be sufficient to refer to the imprisonment of the learned, pious, and prudent John Howe, and the young Vicar of Whitechurch. By Hutchins, on the

authority of an original paper, then in the possession of Mr. Bartlett, of Wareham, we learn that John Westley was among the early sufferers, and that by an order of the privy council, dated July 24th, 1661, he was ordered to be discharged, on taking the oath of supremacy and allegiance. Very likely his imprisonment had been for some time, as more than twelve months had elapsed since the restoration, to the order above noticed. To this Mr. Westley no doubt refers, in his conference with the Bishop of Bristol, who told him that by the oath of these agents, he had been reported as a suspicious and dangerous person. With as much conscious integrity as dignity, he replied, "If it be enough to accuse, who then shall be innocent; there were no oaths given or taken; the matters laid against me are either invented or mistaken, and gentlemen, by others misinformed proceeded with heat against me. Whatever imprudencies I have committed in matters civil, I have suffered for them."*

By Bishop Ironside, Mr. Westley was assured "that he would not meddle with him, and with "farewell good Mr. Westley," the conference was kindly concluded. There is no evidence that this Prelate ever regarded him in any other aspect, than "good Mr. Westley." How rapid and strange are the changes and events of life! About 1661, the Vicar of Whitchurch stood before Bishop Ironside as an accused person, and was treated with Christian courtesy. The Ironsides were a Dorset family; and the writer well remembers when first stationed in Weymouth, his having visited a collateral branch, if not a direct descendant from the Bishop of Bristol, to take to her some small means of comfort from the people, raised up by the grandson of the very person, who stood reproached before her dignified relative. So strangely do the circumstances of families change in a century and a half. A good report of the Bishop, had been conveyed to Mr. Westley by his cousin Pitfield; and to the character of the accused, Mr. Glisson, Sir Francis Fulford and others, were willing to give honourable testimony, in opposition to Sir Gerard Napper, Freke, and Tregonnel; or those who had become accusers of Mr. Westley to them. The three last mentioned persons, were zealous partizans in support of the new order of things. From the valuable collection of pamphlets in the British Museum, Vol. 284, the following extract will prove, that in other days, one at least of these persons had needed and obtained mercy. "Munday, Nov. 2, 1646, special pardon sealed by the Right Honourable, the Speakers of both houses of parliament, for John Tregonnel, of Anderson, in the county of Dorset, Esq. and Thomas Tregonnel of Abbot's court, in the county of Dorset, Esq." Sir Francis Fulford, the friend of Mr. Westley, resided in his parish, and from knowing his public and more private character, was, as his hearer and neighbour, best able to estimate his worth. Frances Glisson, M. D. was a native of Rampisham, Dorset, and is honourably spoken of as a man of science and letters. Alice, the wife of Bishop Ironside, was a member of the Glisson family, and therefore Mr. Westley's appeal to her relative. The

*Rapin, Vol. II. p. 629. Neal, Vol. III. pp. 66, 202. Hutchins' Dorset, Vol. II. p. 117. Dr. Calamy's Continuation

cousin Pitfield spoken of, held lands near Beaminster, in Dorset, and the only sister of the Bishop, was his neighbour. These places are all in the vicinity of Steepleton and Abbas-Winterbourne, where Bishop Ironside had been Rector before his elevation to the See of Bristol. These facts, in connexion with Broadwinsor, the residence of Dr. Fuller; his niece also, the lady whom John Westley married; and John White of Dorchester, all point to the western parts of Dorsetshire, where Mr. Westley was best known, and where his father held livings, as the place of John Westley's birth, youthful days, and early, as well as lasting friends.*

But though unmolested by the Bishop, there were other persons of figure in the neighbourhood, as the Tregonnells, Freke, &c. whose residence was within some two or three miles of Whitchurch, who were too much Mr. Westley's enemies to permit him quietly to continue in his parish, till ejected by the act of uniformity. Reference has been already made to his first imprisonment and discharge. In the beginning of 1662, he was again seized, one Lord's day morning, as he was leaving the Church, taken immediately to Blandford and committed to prison. But after he had been some time confined, Sir Gerard Napper, who, as Dr. Calamy reports, was the most furious of all his enemies, and the most forward in committing him, broke his collar-bone, and was so softened by this sad disaster, that he sent to some persons to bail Mr. Westley, and told them that if they would not, he would do it himself. Thus was he set at liberty, but bound to appear at the assizes, where he was treated much better than he expected. In his diary he has recorded the mercy of God to him in these events: in raising up several friends to *own him*, in inclining a solicitor to undertake his cause, in restraining the wrath of man; so that even the judge, though a very choleric man, spake not an angry word. The sum of the proceedings at the assizes, as well as his conference with the Bishop of Bristol, may be found as copied from Mr. Westley's diary, in the frequently referred to, and valuable work of Dr. Calamy. †

The time had now arrived when the tide that had so strongly set in, began to carry before it, whatever bore the hateful name of Puritanism. Every thing that could be pressed into this service, was put in requisition. To make some of the best men of the land abhorrent, the pulpit was frequently employed; to burlesque whatever was devout, the stage gave its help; to caricature, and cause religion to appear ridiculous, unhallowed wit in verse was gladly accepted. The Court lent its aid to roll profanity and pollution to the extremities of the land; and the nation that had but just before been wild in the pursuit of what was termed liberty, now ran more rapidly in the opposite extreme. A few who were among the most wise and moderate, as the Earl of Southampton, and Judge Hale; were of opinion, that nothing would so much conduce to settle the nation, and quiet the minds of the people, as an act of toleration, in addition to that of indemnity. The Presbyterians

* Hutchins' Hist. of Dorset, *passim*.

† Dr. Calamy's Continuation, Vol. I. pp. 437, 451.

did not differ from the Church of England in doctrine ; they were equally the friends of a regular Ecclesiastical Establishment ; and it was supposed by moderate men, that they might be reconciled to Episcopacy, by some partial concessions in respect to forms ; and the two predominant bodies become united in the support of the Government. Mr. Hale (afterwards Sir Matthew, and Judge,) introduced a bill to convert the king's declaration from Breda into a law. But to such lenient propositions, Clarendon declared his decided opposition ; the proposer of this measure, was quickly removed from the House of Commons, to the bench in the Exchequer. The act of Uniformity was framed and passed, received the royal assent, May 1662, and was to be put in execution the 24th of the following August. By this act, those that would not submit to re-ordination, perjure themselves by violating oaths which they had most solemnly taken—consent to political opinions which they had abjured, and swear that the book of common prayer contains nothing contrary to the word of God :—all that could not conscientiously meet these demands, without any fifths to fall back on, as the sequestered clergy had, were to be cast with their families on the mercy of Divine Providence, and the world. Bartholomew-day was chosen, because then the tithes for the year became due ! so that not only ejection, but immediate want as well, tested the principles of many among these most excellent men.*

Mr. Westley on the 17th of August, 1662, delivered his farewell Sermon at Whitchurch, from Acts xx. 32, to a weeping auditory ; and in the Church his voice was heard no more. Oct. 26th, the place was by an apparitor declared vacant, and an order was given to sequester the profits : but his people had given him all these. On the 22nd of the following February, he sought an abode for himself and family at Weymouth, where he was well known, and in other days had been deservedly honoured. But the hand of oppression followed him, he was refused a place of rest, and as a person unworthy of a home therein, he was driven from the town. How the Mayor and Corporation had been fashioned by late events, to accomplish this, is noticed in the "Fathers of the Wesley family ;" where copies of communication from Government, Acts of Committees, &c. are copied by the writer, from the Borough Records, which had never seen the light before. Mr. Westley previously to his removal from Whitchurch, gave notice to the Mayor of Weymouth, as to his intention ; and on the day above mentioned came to the town.†

The Corporation immediately made an order against his settlement there ; imposed a fine of £20 on his landlady for receiving him, and five shillings a week on himself to be levied by distress. Mr. Westley waited on the Mayor, and some other persons, pleaded his having lived in the town before, and offered to give the security they required ; but to no avail, as on March 11th, another order was drawn up, for

* Rapin, Vol. II. pp. 633—641. Macdiarmid's Lives of British Statesmen, II. pp. 358—363. Dr. Vaughan, Vol. II. pp. 320—323.

† Rapin, Vol. II. p. 632.

putting the former in execution. These statements are given by Dr. Calamy from Mr. Westley's diary; and they are borne out by the fact that the Borough records do not mention any meeting of the Corporation in that year before :

“17 february, 1663,”

When some “John” was bound to keep the peace of the Borough. The next was “Mr. Maior Yardley, and Mr. Bailiff Clatworthy; 24, febr. 1663. and the third “Mr. Maior Yardley, 1 Martii. 1663.

when an entry was made in reference to some “John” in Latin, and singularly abbreviated, in connexion with which, the following words with some distinctness appear “quod Johes ad xx. pace com. Dorstt.” Soon after there is a charge against some widow, “quia non negavit virum intr. domum suam,” because she had not refused admittance to some unnamed man into her house. In the next year “at a Hall held on ffryday, the xxvi. of August, 1664, the ffyne set on Joan Baily, Widow in Weymouth of xx£ by a comon nusante by her, is reduced to three pounds ffyne.” To what these entries positively refer, the writer makes no pretensions to know. The dates are given to prove the accuracy of Mr. Westley's diary; he gave notice to the Mayor of his purpose to make Weymouth his home. Five days before his arrival, the Corporation met, the first time in that year. Two days after his arrival, it met the second time; and instead of March 11th, as in Dr. Calamy, in the Borough records it is “1 Martii, Mr. Maior Yardley” met the Corporation the third time in the year; when the above cases were considered.

By this harsh treatment, Mr. Westley was driven from Weymouth, and sought shelter as it could be found at Bridgewater, Ilminster, and Taunton. His case was greatly commiserated, and the God of the oppressed, disposed many to become his friends, who were very kind to him and his numerous family. In May, 1663, some benevolent Gentleman, whose name the Writer would gladly recover and hand to posterity, but cannot, the proprietor of a very good house at Preston, three miles north-east from Weymouth, gave Mr. Westley liberty to make it his abode, without the payment of any rent. To this village he immediately retired; there as far as Dr. Calamy, Wood, and Hutchins are worthy of credit, Samuel, afterwards of Epworth was born; and in this retreat, the father and family found a refuge. From this period, though obliged to wander from it for a season by the five-mile act, and called by duty to Poole; yet Preston was his only *home*, and there he died.

The thankfulness, with which Mr. Westley retired to this village, as his earthly rest, is thus recorded in his diary. “1. That he who had forfeited all the mercies of life should have any habitation at all; and that, 2. When other precious saints were utterly destitute: and 3. That he should have such an house of abode, while others had only poor mean cottages.” While thus adoringly thankful to the God of his mercies, he had much perplexity as to what was his direct duty in return, whether, as he was silenced at home, he should not go to

either Surinam or Maryland, and make known the Gospel of his merciful God there;—he at length resolved to remain at home, and take his lot in the land of his birth. The next question that perplexed him was, whether it was his duty to worship in that Establishment by which he had been ejected; this he also thought it his duty to do, that he might honour the word of God; public worship as the ordinance of God; and so far have communion with those who held the Head, and whose lives were unblameable. Though he resolved to remain at home, yet he could not think that he who is Head in all things to his Church, and from whom he had received the Ministry, required him to be entirely silent: Mr. Westley therefore preached occasionally to a few good people at Preston; at Weymouth, also, as he had opportunity; and he was at length called by a number of serious christians at Poole to become their pastor, to whom he sustained this relation, preached and administered the ordinances, as circumstances would allow him to the day of his death. Some of his nonconformist brethren in Dorset, did this openly, and at all hazards; but Mr. Westley thought it his duty to beware of men; that prudently he should preserve his liberty and his opportunity to minister in holy things as long as he could; and not by the openness of one meeting, to hazard the liberty of all meetings. Yet he was often disturbed, several times apprehended, and four times imprisoned at Poole and at Dorchester. From the Borough records of Weymouth, where Mr. Westley occasionally conducted worship; several copies of conviction “fynes,” and imprisonments in the Town goal, for “holding conventicles in the house of Henry Saunders and Dorothy his wife,” in that Corporation, are now before the writer. Pepys says, August 1664; “I saw several poor creatures carried by constables, for being at a conventicle. They go like lambs, without any resistance. I would to God they would either conform, or be more wise, and not be catched!”

The Act of Conformity, 1662, deprived the Nonconformist Clergy of their preferments. The Conventicle Act, 1664, debarred them from public worship. And the five-mile Act drove them from their homes. The latter passed in 1665; and as this forced Bartholomew Westley to flee from Charmouth, which is but two miles from Lyme; so it would drive John Westley from Preston, which is but three miles from Weymouth. In the place of his concealment, March 1666, he thus questioned himself: “What doest thou here, at such a distance from church, wife, and children?” In his reply, he notes in his diary the oath, and the reasons why as an upright and conscientious man he could not take it. Some it appears had done so, in their own private sense. This he intimates he could not do, as in his opinion it would be but “juggling with God, the king, and conscience also.” The wording forbade all meetings for religious worship, all prayers and preaching in private; (private places,) and especially the “handling some truths of the gospel;” which he regarded, and especially in that day, of great importance. Rather than sin against his conscience, and perjure himself; he chose to become an exile, and to suffer. After being concealed some time, he ventured to return to his family; and as he could, to minister to his people. On this account he was apprehended and imprisoned; in

many straits and difficulties, yet Dr. Calamy adds, wonderfully supported and comforted, and many times very seasonably and surprisingly relieved and delivered. But at length, the removal of many eminent Christians to another world, who had been his intimate acquaintance and kind friends; the great decay of serious religion; and the increasing rage of its enemies; manifestly seized and sunk his spirits. And having filled up his part of what is behind of the affliction of Christ in his flesh, for his body's sake, which is the Church, and finished the work he could do, he was taken out of this vale of tears into the invisible world, "where the wicked cease from troubling, and the weary are at rest," when he had not been much longer an inhabitant here below, than his blessed Master, whom he served with his whole heart, according to the best of his light. "They that turn many to righteousness shall shine as the stars for ever and ever;" though not only their persons when living, but also their bodies when dead, may here meet with contempt as this good man's did, which the Vicar of Preston would not suffer to be buried in the church. An intolerant spirit, of which it is but justice to say, that no party was entirely free. This is abundantly attested by the conduct of *Cheynell*, at the affliction, death, and burial of *Chillingworth*.*

Thus fell the pious, the learned, the beloved, the persecuted John Westley of Whitchurch. The writer in his general admiration of the men of those times; has no sympathy with some principles which disgraced their leaders. In his abhorrence of certain acts which dishonoured the reign of the second Charles, he has no design covertly to attack the Episcopal Church of this Country. In its altered and renovated state, the writer greatly rejoices. He should regard it as the greatest proof of the abiding presence of God in his beloved country, if every pulpit in the land, was filled with such men as Baxter, Reynolds, Howe, Conant, Henry, and Westley. Nor in the contemplation of the Vicar of Whitchurch, as a man of principle, must he be withheld from adding,

"Servant of God, well done, well hast thou fought
The better fight!
And for the testimony of truth hast borne
Universal reproach, far worse to bear
Than violence; for this was all thy care
To stand approv'd in sight of God, though men
Judg'd thee perverse.

John Westley, whether regarded as a son; a pious, studious, and exemplary young man, the friend of men whose piety and learning have commanded the respect of the Christian world, and never more than at present: As a Christian Minister, Parent, and one who in the spirit of his Blessed Master, suffered

"The oppressor's wrong, the proud man's contumely;
The spurns,
That patient merit of the unworthy takes."

† Rapin, Vol. 2. p. 637. Dr. Calamy. Des Maizeaux's Life of Chillingworth, p. 335.

is deserving of a lasting memorial, in whatever is Wesleyan. True, he held his own opinions on Church Government. They were those of Education. He embraced them at Oxford. Whether we think them the best or not; at least it was no crime in young Westley to hold, what Goodwin, Owen, and John Howe, approved.

As to his fidelity to the then National Government; he had in common with the best men of the land, sworn allegiance thereunto; and very likely, all things considered, it might appear to him as the best that could then be established. But he revered the word of God, more than any mere human opinion. By this he had learnt that submission on christian principles to Government, is the duty of all Christians, and especially of all Christian Ministers, to the *Executive*, as far as a good conscience will enable them; but especially to the *Legislative*. "When the Parliament, (Mr. Westley, writes) decreed certain changes, I saw the pleasure of Providence to turn the order of things, and did quietly submit thereunto: I took the oath of allegiance, and have faithfully kept it." He was no anarchist!

His religious opinions were fixed; yet he was neither a violent Sectarian, nor a furious zealot. That he might honour the worship of God, and hold communion with the good, from whom in only minor matters he differed; he, like his fellow collegian, John Howe, was an occasional conformist. His principles were firm, they were tested by sufferings; but on matters of opinion, his charity was greater. His mind was not of that caste, which differs from others, for the mere sake of doing so; much less for the mere vaunt of liberty. In reference to this, a learned, pious, and conscientious Episcopalian sufferer, writes: "for pleasure, I profess my sense so far from doting on that popular idol, liberty; that I hardly think it possible for any kind of obedience to be more painful than an unrestrained liberty; were there not some bounds of Magistrate, of laws, of piety, of reason in the heart, every man would have a fool, they say—I add, a mad tyrant—to his master; that would multiply him more sorrows, than the briars and thorns did. *Adam*, when he was freed from the bliss at once and the restraint of Paradise, and was sure greater slave in the wilderness, than in the enclosure. Would but the Scripture permit me that kind of idolatry, the binding my faith and obedience to any one visible infallible judge or prince, were it the *Pope*, the *Mufti*, or the grand *Tartar*, might it be reconcileable with my creed, it would be certainly with my interests to get presently into that posture of obedience. I should learn so much of the barbarian ambassadors in *Appian*, which came on purpose to the Romans to negotiate for leave to be their servants. It would be my policy, if not my piety, and may now be my wish, though not my faith, that I might never have the trouble to deliberate, to dispute, to doubt, to choose (those so many profitless uncasinesses) but only the favour to receive commands, and the meekness to obey them. *"

The late division of the Weymouth circuit, has led the name of

Wesley to be again heard in that part of Dorset, where John Wesley was best known, and greatly beloved. In the village of Whitchurch from which the Vicar was driven, the Wesleyans have a place of worship, and a small society. But who will arise and suitably befriend the county town, *Dorchester*.—The town of “Mr. White, sometime assessor of the Assembly of Divines.” The birth-place of his daughter, the late John Wesley’s great grandmother. Where his grandfather probably, his father certainly; received his Grammar learning. Who will suitably befriend Dorchester that a decent chapel may be erected there; monumental, in honour of Wesley and of White! At Preston, there has been a Wesleyan Chapel and Society for some time. To this the writer some few years since, was accustomed regularly to go; and in truth he may add, seldom without holding sorrowful communion with one, who has thus become cradled in the warmest sympathies and affections of his heart. In this, and that house; lonely dell; retired spot, amid the rocks on the shore; he has seemed to behold, converse and sympathise with, the man whose spirit was crushed; the Christian hunted to obscurity; the minister, whose lamp though lighted in the skies, was wickedly quenched by the rampant spirit of persecution:—he has then gone to the Church-yard to seek his grave;—but no stone tells where he sleeps! May British Christians be devoutly thankful to God for better days; and may they long, long continue. May Christian and moderate men rule in the state, and in our Churches; and may honour and deference be ever cheerfully tendered to whom they are due. “There is no portion of history in which it so much behoves an Englishman to be thoroughly versed, as in that of Cromwell’s age.*

Mr. Westley has long been at rest. He hears not the voice of the slanderer; nor feels the rod of the oppressor. His piety and worth, as reported by the fragments which have come down to us, should live while Christianity continues in the land. Small and feeble is the tribute, which the writer can render to the memory of the youthful Christian; the useful minister; the vicar torn from his weeping flock; the husband and father driven from his beloved family; immured in a jail; the man who by sorrow was early brought to death, to leave a widow and babes poor and desolate (his aged Father also, who by his fall came speedily with sorrow to the grave)—to the servant of his once rejected Lord, to whom the space of a few poor feet of earth was denied in the Church; as if *his* remains would desecrate the sacred place;—to the memory of this sometime forgotten, deeply injured, exemplary Christian sufferer;—the writer willingly offers, the small—the best tribute that he can give.—

“THE RIGHTEOUS SHALL BE IN EVERLASTING REMEMBRANCE.”

WILLIAM BEAL.

* Quarterly Review, Oct. 1821 p. 347.

SAMUEL WESLEY, OF EPWORTH.

“ Samuel Westley, son of John Westlev of Whitchurch in Dorsetshire ; was born at Preston, a village three miles from Weymouth, in that county. He was educated in grammar learning in the free School in Dorchester, under Mr. Henry Dolling, to whom he dedicated his ‘Maggotts.’ From this School he was first sent to the Academy of Edward Veal, B.D. of Stepney ; and next to that of Charles Morton, M.A. at Newington Green. From this place he went to Oxford, and became a servitor in Exeter College, the beginning of Michaelmas term 1684, when 18 years of age. He died 1735, aged sixty nine years.”

Wood’s Athen. Ox. by Bliss Vol. II. p. 963. Vol. IV p. 503.

Dr. Calamy’s Historical Account, Ed. 1831. Vol. I. p. 459.

Hutchins’ History of Dorset. 2nd Ed. Vol. I. p. 117.

Southey’s Life of Wesley. Vol. I. p. 7.

Mr Samuel Wesley, thus began the dedication of the book above mentioned. “ To the honoured Mr. H. D——, head Master of the free School in D——, in the county of D—— ”

Maggotts, Ed. 1685.

“ Mr. Wesley was educated among the Dissenters, under the care of Mr. Veal, and Mr. Morton.”—Palmer’s reply to Mr. Wesley.

“ You who take so much interest in the history of the Wesleys, may be gratified by knowing that I have obtained the following notices of Samuel from Cambridge.

Incorporatus 1694.

Sam. Westley, A. B. Coll. Exon. Ox.

Samuel Westlev, A.M. Coll. C. C. Camb. 1694.

Robert Southey ”

EDWARD VEAL, B.D.

Was first of Christchurch Oxford, and afterwards senior Fellow of Trinity College, Dublin. The change of times deprived him of his Fellowship, and he returned to England. By Sir Edward Waller, of Middlesex, he was selected to be his chaplain. Mr. Veal having acquired celebrity at the University as a Tutor, became the head of a Dissenting Academy at Wapping, and trained up some very excellent and respectable Ministers. In the “ Morning Exercises”—the supplement thereunto—and those against popery—the following are Mr. Veal’s Sermons : “ The spiritual knowledge that ought to be sought for by those who desire to be saved.” “ The meritoriousness of good works in Believers.” “ The experiencing it ourselves, and evidencing it to others, that serious godliness is more than a fancy.” And on the “ Danger of a Death-bed Repentance.” He also published “ Concio ad Clerum,” two Vols. of Sermons. A Funeral Sermon for Dr. Jeremy Butt. And in association with Richard Adams, wrote the preface to “ Charnock’s Works ” Mr. Veal, died, June 6, 1708, aged 76.

Baxter’s Life and Times, Vol. I. p. 57. Ed. 1713.

Dr. Calamy’s Continuation, Vol. I. p. 85. Ed. 1727

CHARLES MORTON. M.A.

"Among those who became nonconformists that received their education at Oxford, while Dr. Owen, was vice-chancellor, was John Wesley, who was ejected from Whitchurch, in Dorsetshire; Charles Morton, afterwards a celebrated dissenting tutor at Newington Green, &c." Orme's Life of Owen, pp. 111, 112.

At Mr. Morton's "were produced of ministers, Mr. Timothy Cruso, Mr. Hannot, of Yarmouth, Mr. Nathaniel Taylor, Mr. Owen, Mr. Obadiah Marriott, Mr. John Shower, and several others; and of another kind, *poets*, Samuel Wesley, Daniel De Foe," &c.

Wilson's Life of De Foe, Vol. I. pp. 22, 27.

The biography of Samuel Wesley, of Epworth, is not yet so perfect as it may be; at least in reference to places, events, and dates. 1st. As to the place and year of his birth, Dr. Clarke's Works, Vol. I. p. 88. Vol. II. p. 2. Vol. I. pp. 59, 63. "Advertisement" Vol. II. 2nd. The period when he entered at Oxford, Vol. I. pp. 4, 72, 175. 3rd. The year of his marriage, Vol. I. pp. 107, 237 Vol. II. 2, 136. 4th. Age at his death, Vol. I. pp. 88, 344, 350.

MATTHEW WESLEY.

John Wesley, of Whitchurch, is said by Dr. Calamy to have had a numerous family; but with the exception of Samuel and Matthew, of these, the present age knows nothing. Of Matthew, very little is known; in the Wesley Family, by Dr. Clarke, that little is brought together. He is supposed to have died in the year 1737. In the Gentleman's Magazine for June, in that year, are verses on his death, by a writer whose signature is "*Sylvius*," which may be found in the Wesley Family, p. 57. But in the same Magazine for April, 1737, p. 248, Sylvius, appears to speak of Mr. Wesley, *as living*. Is there reason to suppose that Mr. M. Wesley died between the months of April and June in that year?

The works of John White, of Dorchester, "sometime Chairman (assessor) of the assembly of Divines," the late John Wesley's, "Grandmother's Father"—(Wesley's Works, Vol. XII. p. 125) are

1. "Ten Vows to the Parishioners of Dorchester." 1628.
2. "Directions for the profitable reading of the Scriptures."
3. "Sermons."
4. "On the Sabbath."
5. "The way to the Tree of Life, or the directory to Perfection." 1647
6. "Commentary on the three first chapters of Genesis, with large observations on the same." 1656.

Wood's Ath. Ox. by Bliss, Vol. III. p. 236.

THE
PEOPLE'S RIGHTS :

A DEFENCE OF THE CONCESSIONS AND CODE OF LAWS OF 1797,
AND THE CONSTITUTION OF WESLEYAN METHODISM,

AGAINST

THE MODERN ASSUMPTIONS OF MINISTERIAL
POWER ;

BEING A REPRINT OF THE SOUTHWARK ADDRESS AND RESOLUTIONS, AND THE
REPLY TO THE REV. RICHARD WATSON.

WITH AN APPENDIX,

CONTAINING THE DEED OF DECLARATION, THE PLAN OF PACIFICATION
THE CONCESSIONS OF 1797, AND THE LAWS (SO CALLED) OF 1835.

A NEW EDITION.

LONDON :
JOHN KAYE AND CO., 80, FLEET STREET

1850.

ADVERTISEMENT.

No apology is needed for the reissue of the able productions contained in the following pages. At the time they appeared they excited considerable attention, and, had the dominant party in the Wesleyan Conference been wise enough to have listened to the forcible argumentation by which the writer supported his position, they would have saved both themselves and the Connexion the fearful, but hopeful, agitation which now prevails. These productions, after going through several editions, had become scarce, and the present generation of Wesleyan Methodists were all but ignorant of their existence. We have deemed it important to reprint them, leaving out only what was of mere temporary interest. We know of no better exposition of the polity and constitution of Methodism, and as such we commend the succeeding pages to the careful consideration of every Wesleyan Methodist and every Wesleyan Reformer.

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THE PEOPLE'S RIGHTS.

ADDRESS OF THE LONDON SOUTH CIRCUIT TO THE WESLEYAN METHODIST CONFERENCE.

REV. AND DEAR SIRS,—On the 7th of March (1828), a printed circular, bearing the signature of your President, the Rev. John Stephens, was addressed to the superintendents of circuits. It does not appear in what capacity this letter was written, as it is destitute of the official counter-signatures which belong to public documents. This meeting cannot, therefore, notice such a production further than to remark, that it recommends to the superintendents of circuits “to put the accredited documents, relative to the Leeds business, in free circulation among the more intelligent and influential part of their people,” adding, “they may be had of Mr. Mason.”

It becomes this meeting, however, to inform the Conference, that the “*free circulation*” of the above “*accredited documents*,” has produced in this circuit a very great and general sensation—that the minds of our “*more intelligent and influential*” friends have been filled with alarm, at what they conceive to be very gross violations, not only of the constitution of Wesleyan Methodism, as established in the circuits by long usage and custom, but of those principles upon which Jesus Christ founded his outward and visible church, so far as such principles can be deduced from the New Testament, and that so strong and general had this feeling become, that it was impossible to prevent its being powerfully expressed.

Under these circumstances, the Quarterly Meeting of this circuit, assembled on the 25th day of March (1828), anxious to prevent the calling of irregular meetings, and the adoption of more objectionable means for giving expression to the public feeling,—and entertaining a just concern, as well for the prosperity of the work of God in this circuit, as also for the public character of the Conference, both of which are seriously involved,—did, on mature consideration, record on their minutes a notice, pledging themselves to take the subject into consideration at the next Quarterly Meeting, in reference to the propriety of framing an Address to the Conference.

This meeting having accordingly proceeded to the consideration of the subject referred to in the above notice, beg leave to premise,—

1. That they have no intention whatever of becoming parties in the dispute which has agitated the Leeds Societies; but, distinguishing between that dispute and the proceedings of the Special District

Meeting thereon, and confining their attention to the accredited documents, so directed by your President to be freely circulated amongst our people, this meeting is deeply concerned at the public avowal of principles, and the unwarrantable exercise of an authority, which, if once admitted, must effectually overturn everything worthy of the name of right or privilege on the part of the laity, and place our societies in a condition of abject subserviency to the Conference, and to its official agents.

2. That this meeting is careful to distinguish between acts of the Conference, and the acts and proceedings of the individuals who assembled at Leeds, under the name of a "Special District Meeting;" and into whatever errors the Conference may have been unhappily led, this meeting cannot bring themselves to believe, that the Conference will ever prove so regardless of its public character, as to give the least countenance or sanction to "the Resolutions of the Special District Meeting, begun at Leeds, on Tuesday, the 4th of December, 1827."

3. That with a view to reduce within as narrow limits as possible the subjects of this Address, this meeting has rejected all reference to the publications of the brethren at Leeds, who have suffered from these proceedings. In adopting this course, the meeting are aware that they confine themselves to statements of facts which would not in any case be relied on as between the contending parties. But as this meeting does not assume the office of judging between contending parties, they are content to take the facts admitted in these "accredited documents,—*to be had of Mr. Mason;*" and they conceive that, in the facts thus admitted, and in the principles applied in explanation and defence of them, there is more than enough to alarm the "*intelligent,*" and to rouse the "*influential part of our people.*"

4. That it will be of no avail to charge this meeting with disaffection to the general institutions and economy of Wesleyan Methodism. The members of this meeting are, many of them, men who have borne the heat and burden of the day in the service of Methodism; and they are all of them sustaining their several stations, they trust, in a manner worthy of themselves, and of the church which has called them to office. They are neither reformers nor radicals; they wish for no changes in the system of Methodism; they are content and satisfied with that system, as it has long been established in this circuit. They do not yield even to the Conference itself, in ardent attachment to the constitution and discipline of the Connexion, as laid down and established by Mr. Wesley; and they would fain hope that there exists, on the part of the Conference, a corresponding disposition, as earnest and sincere as that which animates this meeting, and has called forth the present Address.

Having stated these preliminaries, this meeting entreats the attention of the Conference to the following particulars, in which they insist that the constitution of Wesleyan Methodism has been violated,—the concessions solemnly made by the Conference to the people, in 1797, set aside,—and the rights and privileges of our regularly constituted and acknowledged local authorities, overturned and trampled under foot.

This meeting complains, *specifically*, that by an utter perversion of the institution and design of special district meetings, and an alarming extension of their jurisdiction, a novel and unauthorised tribunal has been erected, modelled according to the caprice of the parties; and which, without the sanction of any recognised law or

principle, has put forth the proudest claims, and has actually usurped, 1st, The power of a superintendent of a circuit ; 2nd, The jurisdiction and authority of the leaders' and local preachers' meetings ; and, 3rdly, The right of giving laws to the Connexion, and of enacting new tests and declarations to be taken and subscribed by the people.

To establish this complaint, it will be necessary to review, 1st, The Rules of Conference, relating to special district meetings ; and, 2ndly, The proceedings of the Leeds Special District Meeting, forming the subject of complaint.

PART I.

REVIEW OF THE RULES RELATIVE TO SPECIAL DISTRICT MEETINGS.

That *travelling preachers alone* are, by the present constitution of Methodism, amenable to special district meetings ; and that the application of the judicial and inquisitorial powers of such meetings to officers and members of our societies, is a novel and unauthorised extension of their jurisdiction, will appear by a simple reference to the rules of Conference, authorising and empowering such meetings. These rules and regulations lie scattered in the Minutes of Conference, for the years 1791, 1792, 1793, and 1797 ; but they may be seen collectively in Dr. Warren's Digest, pp. 123-4-5, and, as they are not numerous, and have been so palpably misconstrued and misapplied, we shall embody the whole of them in the course of the following observations.

It will be unnecessary to remind the Conference that District Meetings, *ordinary* as well as *special*, were unknown to the Methodist Connexion during Mr. Wesley's life. For nearly fifty years after the commencement of this great revival of religion, they had no existence. During this period, the Quarterly Meeting of every circuit, the Leaders' Meeting of every society, and the regular Local Preachers' Meetings, had become universally established and acknowledged ; and were in the full employment and exercise of their proper privileges, powers, and prerogatives. The Conference of 1826 declare, that "regular leaders' meetings have, *from the beginning*, been found essential to the pastoral care and spiritual prosperity of our societies." During this period, the judicial power of the Conference itself had been limited and confined (according to the 8th article of the Deed of Declaration of the 28th February, 1784, by which Mr. Wesley defined the powers of the Conference) to the trial and expulsion of "*members of the Conference admitted into connexion or upon trial.*" They had never presumed, nor been allowed, to cite at their bar the local officers and members of society ; such a citation was never heard of ; nor can it be believed that, at this period, any leaders' meeting would have lent its authority to compel any of its members to appear and answer charges before either the Conference or a district meeting. The leaders' meetings always retained in their own hands the *inalienable* right of the church to try its own members ;—a right distinctly recognised in the New Testament, and uniformly exercised in the primitive church. The Conference had the same right *as to its own members* ; but, *not being of itself a church*, it could not pretend to the right of trying the members of any church. On every principle it was surely enough, that the preachers of the

circuit were members of the local meetings, and that the superintendent was allowed to preside. The constitution of Wesleyan Methodism, as it then stood, and as we would fain hope it still exists, rested on the broad basis of established usage and custom.

It was in the Conference of 1791, the first that assembled after Mr. Wesley's death, that Mr. Thompson, the President, brought forward his plan for dividing the Connexion into districts. So little, however, were the people concerned in the matter, that the Conference deemed it sufficient to state the fact without explanation or comment, in the following laconic and apparently irrelevant answer to the preceding question :—

Question.—What regulations are necessary for the preservation of our own economy as Mr. Wesley left it?

Answer.—Let the three kingdoms be divided into districts.

1791.—The only resolution on the subject which follows the above, is equally vague and unsatisfactory; it provides, that “the assistant of a circuit shall have authority to summon the preachers of his district, who are in full connexion, on any critical case, which, according to the best of his judgment, merits such an interference; and the said preachers, or as many of them as can attend, shall assemble at the place and time appointed by the assistant aforesaid, and shall form a committee for the purpose of determining concerning the business on which they are called; they shall choose a chairman for the occasion, and their decision shall be final, till the meeting of the next Conference, when the chairman of the committee shall lay the minutes of their proceedings before the Conference. Provided, nevertheless, that nothing shall be done by any committee contrary to the resolutions of the Conference.”

Such was the institution of district meetings, whose ordinary business was then left as undefined as their judicial powers in special cases. They were, however, the offspring of the Conference, existing only by its *fiat*, and exercising the powers delegated to them, during the intervals of its yearly meetings; the following general rules must therefore apply to special district meetings :—

First.—They can possess no power which the Conference itself does not possess; an agent or deputy cannot derive from his principal greater powers or authority than the principal himself enjoys.

Secondly.—They are limited in their authority by the express terms of their commission; a deputy or agent must not be allowed to exceed his instructions.

Thirdly.—A rule which, when taken separately, is of doubtful application, can only be applied in conformity with what is express and clear in that class of rules to which it belongs;—if among a dozen grants in a Royal Charter, eleven of them shall expressly establish the jurisdiction of a corporation over a certain town or city; and the twelfth shall not be so express, but shall authorise the corporation to inquire and determine, in general terms, without specifying in what affairs; this rule must be understood, like all the rest, to apply to the affairs of the corporation, and not to those of the kingdom.

What the “critical case,” or “business,” mentioned in the preceding regulation, might be, this meeting can have no motive to inquire. But that this original grant of authority, in “critical cases,” did not empower them to inquire into the conduct, and to punish the transgressions of our local officers and members of society, is evident,—

1. Because the Conference itself had no jurisdiction in such matters, and, therefore, could not delegate any such powers.

2. Because the jurisdiction, in all such matters, was previously vested in the regular local authorities, by the long-established usage and custom of the Connexion;—a usage and custom which have been repeatedly acknowledged in the Minutes of Conference, particularly in those of 1797.

3. Because there is nothing in the terms of the regulation, nor in any subsequent regulation, relating to special district meetings, which either expressly, or by implication, conveys any such authority to district meetings.

The “*critical case*” intended by the rule must, therefore (according to the third rule of construction we have cited), be understood to be one not otherwise provided for; and with which no existing local authority had power to deal. Such a case, for instance, as the trial and suspension of a travelling preacher during the intervals of Conference. But as the local authorities have full power to deal with any case affecting local officers and members of society; and as the Conference itself has never been known to possess or exercise any such power, the rule cannot, without violent distortion, be applied to any such cases.

4. This same Conference of 1791, appointed Dr. Coke President of the ensuing Irish Conference; and, in Question 22nd, and Answer, they show plainly enough, what they intended to be the business of the district committees. They anticipated letters of complaint from Ireland relative to this appointment, and very delicately refer all appeals to the district committees; whose office was, as we shall see, to determine appeals against preachers; and to redress the grievances of the people, where the conduct or appointments of preachers was complained of.

5. It were in vain to multiply arguments against an extravagant and unsupportable interpretation of a vague rule. The Conference of 1791, deeply concerned for the loss of their venerable Founder, surrounded with enemies, and uncertain as to the issues, meditated no such attack on the rights and privileges of the constituted and acknowledged local authorities. On the contrary, they entered into an express engagement, “to follow strictly the plan which Mr. Wesley left them at his death,” and published this engagement in the same Minutes. The rule itself was, in effect, superseded by more explicit regulations made at the following Conference. Dr. Warren appears to have considered it obsolete, and has not noticed it in his Digest; and the party who got up the Special District Meeting at Leeds, do not pretend to have derived their authority from this original Minute of 1791.

1792.—In the Minutes of Conference for the year 1792, it is asked (Question 20), “What further regulations shall be made concerning the management of the districts?” And in answer to this inquiry, we have the three following articles applicable to special district meetings:—

1. “The chairman shall have authority to call a meeting of the committee of his district, on any application of the preachers or people which appears to him to require it. But he must never individually interfere with any other circuit than his own.

2. “Whenever the chairman has received any *complaint against a preacher, either from preachers or people*, he shall send an exact

account of the complaint, in writing, to the person accused, with the name of the accuser or accusers, before he calls a meeting of the district committee to examine into the charge.

3. "If it appear, on just grounds, to any superintendent, that the *chairman* of his district has been guilty of any crime or misdemeanour, or that he has neglected to call a meeting of the district committee when there were sufficient reasons for calling it, such superintendent* shall have authority, in that case, to call a meeting. The committee thus assembled, shall have power, if they judge necessary, to try the *chairman*, and, if found guilty, to suspend him from being a travelling preacher till the ensuing Conference; or to remove him from the office of *superintendent*, or to depose him from the chair, and to elect another in his place."

The first of these articles is to the same effect as the regulation of the preceding year, and our foregoing remarks will apply to it. The application, on which the chairman is to call a special district meeting, must be an application against, or relative to, a *preacher*, otherwise, the district meeting could have no jurisdiction; and that this is implied, and nothing else, is palpable from what follows, in terms too clear and express to admit of doubt or argument. In both the subsequent rules (and to which the first is merely introductory), we find the proper jurisdiction of special district meetings recognised:—"Whenever the chairman has received any complaint against a *preacher*, either from the preachers or the people," &c., and, "if it appear on just grounds, that the *chairman* has been guilty," &c.—The *powers*, also, of special district meetings are defined:—"They shall have power to try, to suspend from being a *travelling preacher*, till the ensuing Conference, to remove from the office of *superintendent*, to depose from the chair," &c. But there is not a word of any power to try the people, or to suspend local preachers or leaders.

1793.—In the Minutes of 1793, it is again asked, "Shall any alteration be made concerning the office of a chairman of a district?" And, in answer thereto, we have the two following regulations:—

1. "If any preacher be accused of immorality, the preacher accused, and his accuser, shall respectively choose two preachers of their district; and the chairman of the district shall, with the four preachers chosen as above, try the accused preacher, and they shall have authority, if he be found guilty, to *suspend him* till the ensuing Conference, if they judge it expedient."

2. "If there be any *difference between the preachers in a district*, the respective parties shall each choose two preachers; and the chairman of the district, with the four preachers so chosen, shall be final arbiters to determine the matter in dispute. In both cases, the chairman shall have a casting vote, in case of an equality."

Here again, as in 1792, the *jurisdiction* of special district meetings is expressly defined: "*If any preacher be accused*—if there be any difference *between the preachers*." Their *powers* correspond also with their jurisdiction, viz., "*to try the accused preacher;—to suspend him* till the ensuing Conference;—*to determine matters in dispute between the preachers in a district*."

* This is a virtual repeal of the rule of 1791, which gave the *assistant* only the power of calling district meetings, but which power is now limited to the cases here mentioned.

1797.—We find nothing further in the Minutes of Conference on the subject of special district meetings, until the year 1797. This was a trying year to the Conference, in which, to use their own language, they experienced some “*violent convulsions*.” The power which they had heretofore claimed and exercised, had excited universal dissatisfaction; the people, not satisfied with the Plan of Pacification conceded in 1795, loudly demand further concessions; and the Conference deem it prudent to meet these demands, by, what then appeared to be, somewhat liberal “*sacrifices in respect of authority, on the part of the whole body of travelling preachers*.” Enumerating these sacrifices, the Conference say,—“Thus, brethren, we have given up the greatest part of our executive government into your hands, as represented in your different public meetings.”—“The whole management of our temporal concerns may now be truly said to be invested in the quarterly meetings, the *district meetings having nothing left them but a negative*. Our societies have a *full check on the superintendent, by means of their leaders’ meeting*, in regard to the introduction of persons into society.”—“The members of our societies are *delivered from every apprehension of clandestine expulsions*; as that superintendent would be bold indeed, who would act with partiality or injustice in the presence of the whole meeting of leaders. Such a superintendent, we trust, we have not among us; and if such there ever should be, we should be ready to do all possible justice to our injured brethren. In short, brethren, *we have given up to you by far the greatest part of the superintendent’s authority*; and if we consider that the quarterly meetings are the sources from whence all temporal regulations, during the intervals of Conference, must now originally spring, we may, taking all these things into our view, truly say, that such have been the sacrifices we have made, that our district committees themselves have hardly any authority remaining, but a bare negative in general, and the appointment of a representative to assist in drawing up the rough draft of the stations.”

Whilst, however, the superintendent and the district meeting were thus stripped of “*the greatest part of their authority*,” and that authority vested in the quarterly meetings and leaders’ meetings, it was necessary, in order to secure to the people the benefit of these concessions, to afford them efficient protection against those preachers who were occasionally disturbing the societies, by agitating questions of strife, and harassing them by arbitrary proceedings. That there were such preachers at that time in the Connexion is evident from Article 7, under the second head of the Plan of Pacification, and from the hope expressed by the Conference, that they had not a superintendent of that disposition. With this view, therefore, and evidently with this view alone, this same Conference of 1797, which granted these concessions to the people, and distinctly recognised the local jurisdictions, thought proper to enlarge (not indeed the power or jurisdiction of special district meetings, there is not a word to that effect in the regulations, but) the authority and power of the President, and of the Chairmen of Districts.

The two regulations passed at this Conference are the last regulations the Conference have made relative to special district meetings. They are as follow:

1. “In order to render our districts more effective, the President of the Conference shall have power, when applied to, to supply a circuit with preachers, if any should die or desist from travelling; and

to sanction any change of preachers, which it may be necessary to make in the intervals of the Conference; and to assist at any district meeting, if applied to for that purpose by the chairman of the district, or by a majority of the superintendents in such district; and he [the President] shall have a right, if written to by any who are concerned, to visit any circuit, and to inquire into their affairs with respect to Methodism, and, in union with the district committee, redress any grievance."

2. "That no chairman *may have cause to complain of the want of power*, in cases which (according to his judgment) cannot be settled in the ordinary district meeting, he shall have authority to summon three of the nearest superintendents, to be incorporated with the district committee, who shall have equal authority to vote, and to settle everything, till the Conference."

Let the three plain and universally acknowledged rules of construction, which this meeting has quoted, be applied to the two last regulations, and it will be at once perceived that they give to special district meetings no power whatever to interfere with any local jurisdiction, nor to try any local officer or member of society.

1. Because the Conference possessed no such power or right: but, on the contrary, this very Conference of 1797 published to the world their acknowledgment of quarterly meetings, leaders' meetings, and local preachers' meetings; and declared, that they had given up to them "the whole management of their temporal affairs," and "by far the greatest part of the superintendent's authority;" and not only so, but so great had been the "sacrifices in respect of authority," which they had made, "on the part of the whole body of travelling preachers," that "the district committees themselves had hardly any authority remaining." And the nature and avowed design of these sacrifices is explained to be, the protection of the people against the preachers. "Our societies," says the Conference, "have a full check on the superintendent by means of their leaders' meetings." "The members of our societies are delivered from every apprehension of clandestine expulsion." Surely this was not the Conference which armed special district meetings against the local authorities!

2. Because there are no express terms in this new commission of inquiry and redress, which authorise the President to interfere with any local jurisdiction. No such thing is named in the rule; quarterly meetings, leaders' meetings, and local preachers' meetings, are not even alluded to; and is it to be said, that these long established and solemnly recognised jurisdictions are to be overturned by a side-wind? are their power and jurisdiction to be usurped, and their own members subjected to the assumed right of inquiry and judicial powers of a special district meeting, on the authority of a rule which does not name them? Did this Conference of 1797 intend anything of the kind? Had they any secret design in making these rules to nullify and destroy their own concessions, at the very moment of making them? To admit such an idea, would be to charge this Conference with the deepest perfidy! Undoubtedly they had no such design.

3. Because, if there had been anything doubtful as to the nature of those "affairs," into which the President is authorised by the rule to "inquire;" or those "grievances," which, in union with the district committee, he is empowered "to redress," it must have been determined by this very conjunction with the district meeting; the whole class of rules relating to district meetings, having conferred on

them no jurisdiction, except over their own members, the preachers. This meeting, however, cannot discover anything doubtful or ambiguous in these two last regulations. The first of them opens with matters applicable to preachers only, and contemplates “any *change of preachers* which it may be necessary to make in the intervals of Conference,”—expressions which, at a time *when superintendents required to be checked by leaders’ meetings*, when *district meetings* were to be *stript of all but a bare negative*, when the people were to be protected from *clandestine expulsions*, sufficiently indicate the nature of those grievances, which the President was required to redress, in union with the district meeting, without whom the necessary *change of preachers* could not be effected.

PART II.

REVIEW OF THE PROCEEDINGS OF THE LEEDS SPECIAL DISTRICT MEETING.

Having thus reviewed all the Minutes of Conference relating to special district meetings, and shown, beyond all contradiction, that the application of the powers of such meetings to the trial and expulsion of local officers and members of society, is an utter perversion of their institution and design; this meeting now proceeds to remark on the *constitution, claims, and conduct* of the special district meeting, begun at Leeds on the 4th December last, as set forth in the “*accredited document*,” containing the resolutions of this new and illegal tribunal.

I. The *Constitution* of this meeting was as unfair—as unauthorised, by any existing law or regulation, as was every part of their proceedings. Amongst the parties composing the meeting, we find, 1st, “the Rev. John Stephens, President of the Conference, invited by the chairman of the district, under article 1st of the Minutes of 1797.” But who authorised the President to invite two official advisers, to accompany him on this expedition of inquiry? Will it be said, that the Secretary of the Conference is, *by office*, entitled to attend and advise the President on all occasions? And, is this doctrine to be held in regard to the ex-President also? In a case, however, in which the rights of our local officers and members of society are to be dealt with, we demand the law which authorises this proceeding. If no law can be produced, we think the matter too grave, and too serious, to admit of pleas and arguments. A man may have as many secretaries and advisers as he pleases; but unless such individuals can produce authority for assuming the same rights as their master, and attending every meeting of which he is a member, we account the assumption illegal.

Again, we find present at this special district meeting, “Messrs. George Marsden, John Bursdall, and Robert Newton, invited by the chairman, under article 3rd of the above regulations.” But article 3rd and article 1st of these regulations, are essentially distinct. When, by the 3rd article, the Conference strengthened the hands of the chairman, complaining “of the want of power,” by allowing him the counsel and assistance of *three* of the nearest superintendents, they did not intend a council of *six*. The latter article does not contemplate the presence of the President of the Conference, with his *official advisers*. Surely, the chairman, supported by the presence of these official

characters, could not "*complain of the want of power*," and therefore he could have no pretence for calling in the three neighbouring superintendents.

Besides, the rule says, "three of the *nearest* superintendents." Were Manchester and Liverpool among the nearest superintendencies to that of Leeds? Is there not something in this perversion of the spirit and letter of the rule, to which ministers of Jesus Christ ought not to have stooped?

Lastly, we have another invitation, by "the chairman," of individuals "to give *evidence explanatory*!" a pretty plain admission that they were not direct witnesses in the cause. But the chairman, "complaining of the want of power," levies all the forces he can muster. The witnesses explanatory, therefore, are enumerated as constituting, with the others, this assembly; which, thus constituted, was anything rather than the district meeting contemplated by the rules of the Connexion.

There is a crying injustice in this method of constituting special district meetings; and, to say the least, the appearance of a policy which savours not of the church, but of the world. The *injustice* lies in the prejudice done to any party who may have a right of appeal to the Conference. A party, thus situated, would have difficulty enough to contend with the individuals lawfully constituting the district meeting. All other members of the Conference ought to come to the consideration of the question unprejudiced and uncommitted; but if, in addition to the members of the district, a number of the most influential members of the Conference are to be previously incorporated with them, and made parties to their measures, does not an appeal become a farce; and is not all that the Leeds Special District Meeting have addressed to the people, on the subject of appeals, so much mockery? Is it not telling them, that if they complain of oppression, they have a right to appeal to their oppressors for justice?

The *policy* of this course of proceeding is annually developing itself. It is by such means that the hands of faction are strengthened; and individuals, charged with the exercise of power on their own responsibility, are relieved from the restraints and checks which that responsibility imposes. Mr. Grindrod, acting on his individual responsibility, as the superintendent of the circuit, would never have dared to carry matters to the length to which they have been carried at Leeds. Having, by the illegal and improper suspension of a local preacher, roused the whole body to indignant resistance, he must have found means to satisfy them, either by affording the accused local preacher a fair trial, and convincing the meeting that he was unworthy to remain any longer a member of their body, or by giving up the illegal suspension. If compelled to adopt the latter course, the worst that could have come of the matter would have been, that in the Leeds circuit there would have been a local preacher, whom Mr. Grindrod thought unworthy, but whom all his brethren believed to be a worthy member of their body. No sooner, however, is Mr. Grindrod permitted to call in a party of preachers, than his responsibility ceases; and this party, too strong to regard responsibility themselves, are able not only to carry through Mr. Grindrod's measures with a high hand, but expect, in all probability, to carry both him and his measures (now aggravated by their own illegal proceedings) through the ensuing Conference. Thus a comparatively small number of bold

and influential men, are supposed to rule the Connexion; and their will becomes the law. It is thus that the principles of the gospel are abandoned, and Jesus Christ himself is wounded in the house of his friends. St. Paul declared, that "rather than offend a weak brother, he would eat no meat while the world stood;" but this district meeting have occasioned a secession from the society of 1,000 members, for their conscientious objection to the use of an organ, in divine worship, as leading to a departure from our original simplicity, and for meeting together to oppose so unreasonable a mandate. No charge of a moral nature is involved in the proceedings; and it, therefore, becomes this meeting to affirm, that if it were not sinful to retain this multitude in the church, it was sinful to cut them off. Such are the bitter fruits of special district meetings as opposed to the people.

In the Conference, these men are in possession of office, power, and influence; no individual can be expected to withstand them. Remedy and redress are, therefore, conceived by many to be utterly hopeless, unless some other party shall be formed, and shall increase to strength sufficient to contend with the present ascendancy. Happy, indeed, would it be for both preachers and people, if, in the Conference, there should be found a sufficient number of moderate and prudent men, who should have wisdom and foresight to perceive their true interests; such men would soon discover, that these interests were not to be secured by desperate conflicts with the people for dominion and power, nor by adopting the crooked and questionable policy of ambitious factions. They would feel that their safety and their honour lay, in declaring at once the absolute independence of the local authorities (lawfully assembled, with the superintendent at their head), in all local affairs; and in renouncing for ever, on the part of the Conference, all power and authority, save what is secured to them by the chapel deeds, and by Mr. Wesley's Deed of Declaration of the 28th of February, 1784. The powers of the Conference could then never be disputed, and they would be amply sufficient for all purposes of the Itinerant system.

II. We proceed to notice, in the *second* place, the *claims* of this special district meeting, in respect to its authority and jurisdiction. In preferring these claims, the persons composing the meeting appear to be as little encumbered with moderation as with modesty.

First.—Their POWERS, during the intervals of Conference, are ABSOLUTE. They "*consider themselves to be invested with full powers to decide and act, as to them may seem right and necessary.*"

Second.—Their JURISDICTION is as SUPREME and UNIVERSAL, as their powers are absolute. It extends over all,—"*by whomsoever, and on whatsoever pretexts, our system may have been assailed.*"

Any lawful and respectable tribunal, whether lay or religious, in setting forth its powers and jurisdiction, would have felt itself bound, in honour, to quote with correctness and precision the law by which such powers were vested in them. There was nothing, however, in the Minutes of 1797, nor indeed in any other Minutes of Conference, which conferred on special district meetings the power exercised at Leeds. To have quoted correctly, and fairly to have applied these rules, would have proved to all men, that the Leeds Special District Meeting had no power to interfere in the case, unless it had been necessary to try, remove, or suspend a travelling preacher. Instead, therefore, of

quoting the rules on which they profess to act, they content themselves with selecting from them two or three phrases, which, disjoined from their natural connexion, and utterly perverted as to their proper sense and application, in the genuine rules, may induce the unreflecting to take for granted the following *rhapsody* for the law of Methodism, in relation to special district meetings. It forms the first resolution of the Leeds Special District Meeting, and is as follows:—

“I. That the preachers assembled in this special district meeting, legally called under the authority of the rules of 1797 (Minutes, vol. i. p. 378), consider themselves invested with *full powers* to decide and act, as to them may seem right and necessary, in an extraordinary emergency, such as is now alleged to exist;—with a view to the restoration of peace on Christian and Methodistical principles; and to the preservation of what is vital and fundamental in our economy (by whomsoever and on whatsoever pretexts such vital and fundamental parts of our system may have been assailed); by *inquiring into the affairs* of the two Leeds circuits, ‘*with respect to Methodism*,’ by ‘*redressing any grievances*’ which shall be proved to exist, and by ‘*settling everything TILL the CONFERENCE*,’ to which, as the supreme and ultimate authority of our Connexion, any parties, belonging to our societies or congregations, have, of course, the right of appeal.”

The above, it is true, does not profess to be a literal quotation of the Minutes of 1797, but as a statement of those regulations, let it be examined, and its real character will presently be discovered.

1. To restore peace upon Christian principles becomes an assembly of Christian ministers at all times. The difficulty seems to have been, to effect so desirable an object, on the principle of Christianity, and on what this special district meeting deemed, the principles of Methodism combined. There is nothing, however, in the Minutes of the Conference, empowering special district meetings, which calls them to the task; they certainly volunteered the attempt without any authority from the Conference; and they have eminently failed. To usurp men’s rights, to trample under foot their privileges, and to impose on them arbitrary and illegal tests and declarations, is rather an odd way of restoring peace. The effect, as might have been anticipated, has been to inflame dissension into division, and to banish peace for many years from the Leeds circuits. But that the Leeds Special District Meeting should pretend that they were invested with the office of peacemakers, or “*legally called*” together for any such purpose, “*under the authority of the rules of 1797*,” is more than we were prepared to expect.

2. Of the same character is the assumption by this special district meeting of the office of guardians and preservers of the Methodist economy. Where is there anything in the rules of 1797, which charges special district meetings with this office? We have already shown that, by the Minutes of 1797, district meetings were *stript of nearly all their powers*—that they had *scarcely any authority remaining*! Are they now, and in defiance of the solemn concessions made to the people in 1797, to be declared the *official preservers* of “what is vital and fundamental in our economy?” If so, let it be honestly done. Let not the Conference of 1797 be charged with the guilt of annulling their own concessions to the people!

3. These high offices and powers the Leeds Special District Meeting assume to themselves, “*in an extraordinary emergency, such as*

is now alleged to exist." Do, then, the rules of 1797 empower special district meetings "*in extraordinary emergencies!*" And do they go on to define the nature of those extraordinary emergencies, so as to enable this district meeting to ascertain, that the emergency at Leeds was of the description contemplated by the rules? Do, in fact, the words "*extraordinary emergency,*" or any words bearing an affinity of meaning, occur in these rules? We have already explained the expression, "*any critical case,*" in the Minute of 1791, and we have fully proved that, by all the rules of Conference, the interference of special district meetings is limited to cases, in which the conduct or appointment of travelling preachers is made the subject of complaint. But, in the rules of 1797, no case whatever is specified, nor any terms whatever employed, to define the cause or condition of interference by special district meetings. What are we to think of this method of perverting rules, for the express purpose of misapplying them?

4. Every part of this first resolution, relative to the powers of the Leeds Special District Meeting, is of the same character. Our review of the rules of Conference, on this subject, convicts them of a total misapplication and perversion of the spirit, design, and object of that entire class of rules. It is with the deepest regret, that we are now compelled to notice a corresponding falsification of even the literal sense and meaning of these rules. Thus, the special district meeting, "legally called, under the authority of the rules of 1797, consider themselves to be invested *with full powers to act and decide as to them may seem right and necessary.*" But strange as it may appear, there is not one iota in the rules of 1797, which, either in so many words, or by implication, conveys any such authority to special district meetings. The words, "*full powers,*" are printed in italics, but there are no such words in the rules. The word "power" occurs once only, in this whole class of rules; and then it is expressly limited to a specific object; "power—to try the chairman,—to suspend him from being a travelling preacher." The corresponding words "authority" and "right," never occur in all these rules, without a similar qualification, limiting their application to a specific object. The same may be observed of the words "*act and decide;*" there are no such words in the rules, nor any words that can be used synonymously. Still less, are there to be found, in those rules, any words or expressions, which authorise special district meetings to act and decide in the affairs of a circuit, "*as to them might seem right and necessary.*" All these phrases have been put together for the occasion, by the Leeds Special District Meeting; they are none of them to be found in the rules of 1797; and they present a double falsification of those rules, in the spirit, and in the letter;—a falsification, without which they could never have been so deplorably perverted and misapplied.

5. This perversion and misapplication is still kept up, even where the phrases, culled from the rules, are correctly transcribed. Thus, the Leeds Special District Meeting claim to themselves the right of inquiry into the affairs of the Leeds circuit; and, quoting the language of the rules of 1797, they again say in their 2nd resolution,—"This meeting will therefore proceed forthwith to institute a careful 'inquiry' into the state of 'affairs' here, 'with respect to Methodism,' for the purposes named in the preceding resolution." But, the right of inquiring into the affairs of any circuit, with respect to Methodism, is, by the rule of 1797, limited expressly to the President. The rule gives no authority to the *district meeting* to inquire or

meddle in the affairs of any circuit. Had it done this, it would have contradicted all those other rules of 1797, the object of which was, as we have shown, to reduce the power of district meetings "*to a bare negative*," and to leave them "*hardly any authority remaining*." The language of the rule is clear and express; and its intent and meaning are perfectly obvious. Nothing can be plainer, or more express, as we have before shown, than that the district meeting had nothing to do with the inquiry into the affairs of the people; but, as a district meeting, alone had power to try a preacher, during the intervals of Conference; the President, having executed his inquiry respecting the conduct of a preacher in any circuit, could not grant the contemplated redress without calling a district meeting. Thus, every light in which this rule can be viewed—its spirit and language;—the redress which it contemplates;—the rules with which it stands in connexion;—the character of the times in which it was enacted;—the nature of the disturbances which then agitated the societies, when many preachers were aiming to introduce the Sacrament;—the situation of the Conference itself, "violently convulsed;"—the "sacrifices in respect to authority," which they found it necessary to make, "on the part of the whole body of travelling preachers;"—their distinct recognition of the local authorities;—the surrender to these local authorities, of "by far the greatest part of the superintendent's authority;"—and "of the whole management of our temporal concerns," and this in direct opposition to district meetings, who are stripped of all "authority," having nothing left "but a bare negative in general." Every light, we repeat, in which this rule can be viewed, demonstrates that the great object and design of its enactment and provisions, was the protection of the people against the preachers, by affording them a summary redress of grievances; and that it not only does not authorise, but it discountenances any interference by special district meetings, with the affairs and local jurisdictions of the circuits. Surely the perversion of such a rule, by the Leeds Special District Meeting, is not a light offence! Surely the Conference will not forfeit its public character, and violate its own solemn pledges to the people in 1797, by affording the slightest sanction to so grievous a perversion!

Let it not be said, that this meeting is intermeddling with the affairs of a circuit, with which it has nothing to do. The "*free circulation*" of the "accredited documents," was a virtual appeal to "*the more intelligent and influential part of the people*." It is this part of our people who complain, and justly complain, that the constitution of Wesleyan Methodism has been violated, and the rights and privileges of our local authorities and people grossly outraged, by the Leeds Special District Meeting. They ask, and they have a right to ask, "Did Mr. Stephens, the President, go to Leeds for any purpose, or in any spirit, contemplated by the rule? Did he (not the district meeting, but did he, the President) institute any inquiry at all into the "grievances" of the people? Did he, when he found (what is not anywhere denied) that, up to the last Conference, the great majority of the leaders and local preachers had been opposed to the introduction of an organ into the Brunswick Chapel; and that, subsequently, the great "*grievance*," of which they complained, was the leave granted by the last Conference to erect such organ, in opposition to the decision of the previous district meeting, their own law of 1820, and such declared and strenuous opposition of the local

authorities, did he then take any steps to inquire into this matter ; to find out the plots and schemes (if any) of those preachers, by which the minority in favour of the organ had effected their object with the Conference?—and did he take any steps whatever to redress this “*grievance*” of which the majority complained? Again, when he found that a great body of local preachers and leaders had been roused to indignant opposition and rebellion, by the irregular and illegal suspension of a local preacher, did he (the President) inquire into this affair? Did he summon Mr. Grindrod to account for this arbitrary and illegal exercise of authority? Did he annul the suspension, and afford the accused local preacher the means of a fair trial?—in short, did he take any steps whatever to “*redress*” this particular “*grievance*?” On the contrary, is it not manifest, that Mr. Stephens, with other preachers, assembled at Leeds for the express purpose of supporting a minority against a majority ; by maintaining, defending, and enforcing all that had been done there in relation to the organ? And do not all their proceedings, as set forth in these “*accredited documents*,” exhibit, on the part of this special district meeting, a full determination of either beating down the majority into a tame submission, or else compelling them to quit the society? Can any man for a moment deny, that this special district meeting inquired, not into the “*grievances*” of this majority ; but into the irregular means which, for want of better, they had adopted to obtain redress?—and do not their resolutions teem with vituperation and abuse, founded upon the *conduct*, not the *grievances* of the people,—conduct, which this meeting does not intend to palliate or defend, and which is, in many respects, to be deeply deplored ; but into which the people of Leeds would never have been betrayed, had they not first been improperly treated? We are hence led, in the *third* place, to review, more specifically, some parts of the *conduct* of the Leeds Special District Meeting.

III. This meeting regrets the length to which the present Address is necessarily extended, but there are specific acts, in the *conduct* of the Leeds Special District Meeting, which involve considerations too important to be overlooked.

Perhaps one of the clearest and strongest proofs, that a special district meeting has no power and lawful jurisdiction in the affairs of the people, is to be found in the total absence of all power, within itself, either to compel an appearance of the accused, to enforce the attendance of witnesses, or to carry into effect its own decisions. Had the Leeds Special District Meeting been left to itself, had it exercised no powers but such as belong to such meetings, it might have entertained charges against a travelling preacher with effect ; and, having decided on the case, it might have enforced its decision ; but as against the people, as against any individual, not a member of their own body, what class of powers do special district meetings possess? The course taken by the Leeds Special District Meeting demonstrates, that within itself that meeting had no powers applicable to the case. It would naturally be expected, that, on assembling, this special district meeting would have called on the complaining party to name the accused, and to prefer his charges. When A. and B. had been accused, one would have supposed that a summons should have issued to compel their appearance and answer to the charges preferred. But A. and B., aware that, by the rules of 1797, they could not be expelled the society, or suspended from office, except at a leaders’

meeting, would probably have remained at home, smiling at the impotency of special district meetings. What was to be done in a case, which the constitution of Wesleyan Methodism, not only had never contemplated, but which, by the concessions of 1797, it had virtually forbidden, and for which, therefore, it had made no provision?

The answer to this question, as practically given in the "accredited document," opens a scene, not only new in Methodism, but which, if at all admissible, must overturn the foundation of any constitution, and would reduce the government, of either nation or church, to simple and unauthorised despotism. The Leeds Special District Meeting were driven to an alternative, which, had their assembling together been founded on mistake,—had there been no determination to deal with the case, right or wrong,—*with or without law*,—must have opened their eyes. This alternative was, either to declare that they had no jurisdiction or powers applicable to the case, or else boldly to seize upon the powers of the local jurisdictions and authorities, which alone could be adapted to the circumstances.

1st. The Leeds Special District Meeting chose the latter of the above alternatives; and herein lay their *first* great and serious violation of the constitution of Wesleyan Methodism. Without a shadow of pretence in law or conscience, they have usurped the powers of the two superintendents of the Leeds circuits. The superintendent alone has power to assemble the leaders and local preachers of his circuit; but the Leeds Special District Meeting appoint, "to meet" the leaders and local preachers of the two Leeds circuits, separately, on the respective times mentioned in their second resolution. They do more, they reduce the superintendents themselves to a state of subjection, they address them in the language of authority,—they neither advise nor request, but they "*direct the superintendents*," as in their third resolution;—they employ them as subordinate officers of this novel tribunal, to issue their summonses and serve their notices; and, however unconstitutional and illegal the character of these summonses, it is clear, that the superintendents felt themselves bound to implicit obedience, not, indeed, by any law, but by an influence they ought to have spurned.

That this surrender of authority was *voluntarily* made on the part of the superintendents, does but aggravate the case, so far as the people are concerned, by giving it the character of a "*combination*" against their rights, by the parties who, of all others, were most solemnly bound to protect those rights. The relation of pastor and people is one of mutual support, protection, and defence. That superintendent, therefore, who could timidly or servilely deliver up the powers of his office into the hands of a special district meeting, and consent to become their tool, betrayed his trust, and proved himself unworthy of his office. On receiving their first "*direction*," he ought to have boldly replied, "I called you together, in the hope that you were possessed of powers to heal the breaches, and reconcile the differences, between my people and myself. I now find that, instead of displaying any such powers, all you propose is, the usurpation of those which belong to my office as the superintendent. It would be treasonable in me to surrender those powers into your hands; and especially as the first use you would make of them,—the first *command* you have issued, calls upon me to perform an illegal and unconstitutional act. I have power, as superintendent of this circuit, to

assemble the leaders' and local preachers' meetings, whenever I think it necessary ; but I have no power to summon those meetings to meet a special district meeting, nor to introduce into them, when assembled, any persons, whether preachers or others, who are not regular members thereof." But, alas ! for the people, they had no longer any superintendent ! Their *chief-pastors* had virtually renounced their office, by surrendering their powers into the hands of a special district meeting, and receiving their "*directions*."

2nd. Having now possessed themselves of the powers of the superintendent, the next step, the *second* great and serious violation of the Methodist constitution, was the seizure of the power and jurisdiction of the leaders' and local preachers' meetings.

It was for this purpose that the illegal summonses were issued, and with a haste, and brevity of notice, which should leave the real friends of Methodism no time for consideration, and no opportunity to adopt any measures for the defence of the constitution, and concessions of 1797. The special district meeting assembled on the 4th of December, and resolved "*to meet all the leaders of the town society in Leeds East*," on the same evening. This would have been impracticable ; the few hours of interval being insufficient to afford an opportunity of summoning the leaders. But Mr. Grindrod had kindly provided for this emergency, by giving the notice at the usual leaders' meeting, *on the preceding evening*. This fact, stated in the accredited document, lets us into a secret, viz., that there were individuals who knew what course the special district meeting would adopt, *before that meeting had assembled* ; a secret party, who had prepared things before hand, and who were so confident of carrying through their illegal and unconstitutional measures, that they began to act upon them before the district meeting could assemble. Much is said in the "*accredited document*," about "*combinations*," "*avowed combinations*," but it is these *secret* combinations, which are *not avowed*, but are so powerfully felt, that inflict the deepest wounds on the Methodist constitution, and prove so destructive of the liberties of the church !

The summons addressed to the leaders' meeting, to meet the special district meeting, was treated as might have been expected in the divided state of the society. The party which had hitherto been the *minority in favour of the organ*, conscious that the district preachers, with their official advisers and assistants, had assembled to support their cause, and give them the victory over their brethren ; instead of making any stand for their independence and rights as leaders, instantly obeyed the summons. They thereby betrayed Methodism, and surrendered their independence, as men and as leaders. The greater part of the leaders "*who felt themselves aggrieved*," and who had hitherto constituted the *majority against the organ*, took a constitutional ground, and refused to assemble and deliberate as a leaders' meeting, in the presence of a district meeting. There was not only no law to require them so to assemble, but reason and the nature of things, common sense and the usage of Methodism, justified their refusal. How could the deliberation of a leaders' meeting be regarded as free, or their decisions as valid, while under the influence, the intimidation, and moral restraint of so great a number of preachers ? How, under such circumstances, could any meeting preserve, or successfully defend, either their own rights and privileges, or those of the society, with which they were entrusted ?

It is these *strong facts*, viz., that the preachers of a district were present, interfering with and influencing the deliberations and decisions of the leaders' meeting at Leeds; and that those who had hitherto constituted the majority in this meeting could not attend without violating the constitution of Methodism; it is these facts, we repeat, which, in the judgment of this meeting, render absolutely null and void every such decision, and every act and proceeding founded thereon. We undertake not to defend this majority—many of their proceedings were, doubtless, irregular; but, whatever their sins might be, they have been expelled by an incompetent and unlawful authority; and, however irregular in other respects, their protest against these proceedings rests on *constitutional* and *valid* grounds.

Painful and distressing as this subject must be, to every friend of constitutional order and good government in the church, it cannot but be serviceable to the cause of Methodism, to review the steps by which a district meeting, stript of all authority in 1797, was enabled, in 1827, to assume powers so alarming; to substitute their own will and pleasure for the law and constitution of Methodism; and to beat down all opposition.

1. By taking part with those leaders, who had hitherto formed, confessedly, a *minority* in favour of an organ, they overturned the constitutional principle, that the minority shall be concluded and bound by the decision of the majority in the leaders' meeting.

2. By summoning the leaders to meet them, they afforded an opportunity for this minority, and for all those who had hitherto adhered to the majority on the organ question, but who were now moved by persuasion or fear, to come over to them—they thus divided the leaders' meeting, and erected the standard of revolt.

3. By proceeding to act with this minority, and its new adherents, *as with a leaders' meeting*, and treating all those who constitutionally opposed this unlawful combination as already expelled, they, in fact, destroyed the regular leaders' meeting of the circuit.

4. The new adherents to this organ minority, having so recently changed sides, were not easily to be trusted; a plausible declaration, containing "*pledges of moral and Methodistical qualification*," is, therefore, drawn up, and submitted to this new institution, before it can be allowed to display the attributes, and exercise the prerogatives, of a leaders' meeting. In ordinary circumstances, there might be nothing in these pledges to which a leader would object; but, in the present crisis, and under existing circumstances, it is plain to every man of common sense, that the declaration, thus exacted, was a pledge of adherence—not, as professed, to the constitution of Methodism, but—to whatever should be enjoined and dictated by the special district meeting. Such measures are not usual in the church of God, and they are seldom resorted to, except to bind men down to a party. In the present instance, it was avowedly intended to fix those who should be won over from the *majority*. It was a matter of great emergency; and, therefore, the district meeting puts forth all its authority;—it addresses the leaders in the same terms of authority and command, as it had previously addressed the superintendent. It "*directs*" and "*imperatively requires*" that no leader shall be allowed to vote in any trials for violations of discipline, or to take part, as a leader, in the administration of our church government, so long as he refuses these pledges. The plain English of all this is, that no man should

be a leader, unless he would consent to retain or purchase office by submission to this special district meeting.

5. The meeting thus substituted for the regular leaders' meeting, becomes in fact the mere machine and agent of those who set it up. *All its measures must be regarded as the measures of the district meeting*, and herein lay their power over individuals. They could now try, censure, and expel, whom they pleased, and for whatever offence they thought proper; the special district meeting was, *in fact*, become the leaders' meeting. And it is lamentable to add, that this state of things is still in operation at Leeds. The special district meeting is not yet dissolved; it has merely adjourned, and may be called together at any moment. Thus, then, we have now a circuit under the regular government of a special district meeting, which "*directs*" both the superintendent and the leaders' meeting, and holds them in subjection. Every prudent and sensible man naturally asks, "Where is the law for all this? and how long will the dread of injuring Methodism, and disturbing the church, induce our people to submit to such proceedings?"

But it was not only individuals that were to be reduced to subjection; the public mind was to be prepared for this great and fundamental change in the constitution of Methodism, and reconciled to the new order of things. This was the first great and general attempt to systematise and consolidate the *judicial* power of special district meetings, *in local affairs*. It was necessary, therefore, to present it to the public in a shape somewhat imposing. For this purpose they favour us with a string of printed resolutions, in which they set forth their claims and proceedings, with notes, argumentative and explanatory, as an admirable precedent for all future special district meetings. In addition to the remarks we have made upon this singular document, we may add, that it has the following characteristics:—

1. Placing all the right of interference by a special district meeting in what is termed an extraordinary emergency (and which may mean almost anything), it sounds the *tocsin*, and sends forth a cry of loud alarm, "*The church is in danger!*" Whether the church were really in danger, from the causes they enumerate, this meeting, not choosing to enter into the Leeds quarrel, but only to comment on the accredited documents, cannot determine; but we are sure the church is very much endangered by the proceedings of this special district meeting, and has already lost about 1,000 members thereby.

2. It deals out unmeasured praise and approbation of all the members and the measures of the special district meeting, and their adherents. Everything, on this side of the question, is extolled from the beginning;—the organ party, the trustees, the preachers, all are right;—there is nothing to blame, nothing to correct;—all is praiseworthy, and entitled to gratitude and thanks. With the many handsome things which these gentlemen choose to say of one another, in their complimentary resolutions, and the modesty with which one chairman, having carried votes of commendation and thanks to all around him, vacates his seat, that another may step into it, and procure for him the like gratulations, we have nothing to do. We wish, however, to see the gross flattery of this system, so recently and generally introduced amongst us, banished from the church of God!

3. It traduces and defames all who stand in opposition to the measures of this special district meeting, and to the organ. It was

not enough that the engine of a newly-modelled leaders' meeting was played off against their adversaries, but, in these defamatory resolutions, whole bodies of men are accused of "insurrectionary measures against Methodism," without the troublesome preliminary of preferring distinct charges against separate individuals. Ample amusement is now afforded for the idle and the curious, to apply, as their fancy shall direct, certain epithets with which these resolutions are stained; and they may, at leisure, set one another down as convicted of "*a cavilling and factious spirit,—of gross and shocking disregard of all truth and frankness,—of indecent contempt of their seniors and superiors,—of incredible ignorance,—of evasion,—deceit,—treachery,—and rebellion.*"

The wise and virtuous, in all ages, have reprobated this practice of heaping together criminatory charges against whole bodies of men, without discrimination, without evidence, and without even naming the accused. It is true, we are told, at the close of the statement, of evils alleged to exist in the town society of the Leeds East Circuit, given under the 5th resolution, that "the truth of this statement had been proved in the presence of the special district meeting, by the clearest evidence of the facts, or by the admissions of some of the parties implicated. To the greater portion of these allegations no denial was even attempted." But what sort of *evidence* is this? It is admitted, in the note following the third resolution, that "the greater part of the leaders who professed themselves aggrieved" (and who are the party thus abused), "absented themselves from the meeting." All the "*evidence*" was therefore *ex parte*, furnished, doubtless, by the organ minority, who thus avenge themselves of the absent majority. As to "*denial*," none, of course, could be given by those who were not present; and as to the "*admissions of some of the parties implicated*," it is clear that these admissions came from those whom the presence and conduct of the special district meeting had terrified into submission; and whose admissions, therefore, are entitled to no consideration. Of the *motives* of this determined attack on the constitution of Wesleyan Methodism, we should not wish to speak; but we venture to assure the Conference, that this is not the way in which the church of God either *can* or *ought* to be governed. Indeed, the men who have thus exposed the skirts of Methodism to the world, appear not to have reflected, that those pastors who bring sweeping accusations against the church of God, place themselves in a critical situation. Our local preachers and leaders are selected for their talents, their piety, and usefulness. These, alone, are the considerations which can distinguish men in religious society. Can the great majority of such men, who have spent their labour, their influence, their talent, and, many of them, their best days, in building up Methodism, wish, all at once, to pull down the edifice they have reared?—Can the church of God ever wish to destroy herself?—If, then, the President establish his case, he proves too much; and the statement can, in that event, only be taken as the acknowledgment of a misrule, which has excited a spirit of resistance, and driven some of the best and most useful servants of God, and of Methodism, to a high pitch of desperation.

3rd. We have complained, in the *last* place, that the special district meeting assembled at Leeds, usurped to itself the right of giving laws to the Connexion, and of enacting new tests and declarations, to be taken and subscribed by our people. A leader, on his

appointment to office, attends the leaders' meeting, for the purpose of being examined; and then, in the presence of the leaders' meeting, he gives those "*moral and Methodistical pledges*," which are deemed necessary to qualify him for his office. From the moment a leader is thus appointed, he has all the rights which pertain to his office;—he is entitled to vote in all trials for violations of discipline, and to take part, as a leader, in the administration of our church government;—and he cannot, by the constitution of Methodism, and particularly by the concessions of 1797, be debarred these rights, or removed, or suspended from office, until convicted of some offence, moral or Methodistical, at the regular leaders' meeting.

In opposition to this fundamental law of the Connexion, the Leeds Special District Meeting think proper to exact new pledges from the leaders, and to prescribe to them a new declaration of fidelity. And, in the plenitude of their *full powers*, they enact, "That no leader shall be allowed to vote in any trials which may take place for violations of discipline, or to take part, as a leader, in the administration of our church government, so long as he continues to refuse these reasonable and necessary pledges of his moral and Methodistical qualifications."

The *effect* of this new law is, to exclude every leader from his office, who may feel a constitutional objection to have new pledges exacted from him, by a special district meeting; and when no charges of any kind can be brought against him, but simply his refusal to submit to an authority he ought never, as a leader, to acknowledge.

The *design* of these new pledges, as we have before shown, was not to bind men to the constitution of Methodism, but to submission to the special district meeting. And we have a further proof of the party purpose for which they were framed, in the arbitrary spirit in which they are enforced; and which sets down all who demur, whether justly or not, as "*accomplices*" and "*fellow transgressors*" with the guilty, and as "*persisting in their transgressions of law*."

The *reason* assigned for this overthrow of the fundamental law, and usurpation of the legislative power of the Connexion, is, when stated as a general maxim, plausible enough; but it is false as applied to the case in hand; viz., "because all the functionaries of any government, should ever be ready to profess, with sincerity and decision, their adherence to the general principle on which that government is founded." This is true as a general maxim, but it implies that the government, of which the individuals are functionaries, requires such professions. The regular leaders' meeting at Leeds might, at any time, have required such pledges from its members; but that *regular and lawful* leaders' meeting had been broken up, by the illegal intervention of a special district meeting, and had *never* required any such pledges. The demand for these pledges, therefore, comes from the special district meeting, who were now forming a *new* leaders' meeting, and who resorted to these pledges to strengthen their own newly acquired and very questionable powers. But, by the constitution of Methodism, special district meetings have no right or authority to exact pledges of any description, from any of the functionaries of our government, except from the members of their own body.

It is of the manner in which these *dicta* of the special district meeting, founded on fallacious reasonings, and not on any recognised authority or principle, are enforced on us as law, and often to the overthrow of the established laws of the Connexion, that this meeting

complains. Whilst this system is permitted, no man can esteem himself safe. He may have his character traduced, be expelled from religious society, and be ruined, by any faction which may spring up amongst the preachers, and whose measures he may deem it his duty to oppose. In the resolutions of the Leeds Special District Meeting, we have many instances of the manner in which they are disposed to deal with the laws of Methodism; and the flimsy reasoning, on which they set up their own maxims and decisions, in opposition to these laws. We shall select two instances, as relating to points which, in the preceding part of this Address, we have taken for granted, but on which a few remarks may be serviceable. The *first* relates to the law of 1820, relative to organs. The *second* to the suspension of Mr. Johnson, the local preacher, by the Superintendent of the Leeds Circuit.

1. ON THE RULE OF 1820, RELATIVE TO ORGANS.

The rule of 1820, after declaring that organs may be allowed by special consent of the Conference, proceeds to enact, that "every application for such consent shall be first made at the district meeting, and, if it obtain their sanction, shall be then referred to a committee of the Conference."

In human language, nothing can be more clear, more definite, and express, than the above clause. To argue, that, from the letter of this rule, any application for an organ could be referred to a committee of the Conference, until such application had *first* received the sanction of the district meeting, would be an utter absurdity.

The spirit and design of the rule is in perfect unison with the letter. Organs are identified, in the minds of many of our people, with the service of the Church of England; and are, in general, demanded by what is termed the *church party* among us. In this respect, organs differ from other instruments of music used in our chapels; and, as was the case in former years with the Sacrament, and, more recently, with the attempt to introduce the Liturgy at Sheffield, so organs can seldom be erected in our chapels, without endangering the peace of our societies, amongst whom we have many Dissenters in principle. The design of the rule, therefore, was to allow the introduction of organs where generally desired by the people, but to check applications from parties who might not have with them the general sense and approbation of the Society. For this purpose the *special consent* of Conference is necessary to the erection of an organ; but, in order to observe such consent, the parties are compelled to procure, *first*, the sanction of the district meeting to their application. The district meeting, being composed of preachers stationed in the neighbourhood, could best judge, from local information and knowledge, whether the organ might be safely introduced, without endangering the peace of the society. If, therefore, language and laws are capable of definite meaning, this rule of 1820, in spirit, design, and language, imposes, *and was intended to impose*, a salutary check on applications for the consent of the Conference to the erection of organs, by prohibiting such applications until the sanction of those possessed of local information had been first obtained.

The special district meeting, in their zeal to defend the Conference against the charge of having violated this rule, by their consent to the erection of an organ in Brunswick Chapel, at Leeds, can find no other defence than to attack the rule. "There is," say they, "an undesigned ambiguity and want of explanatory amplification in the rule."

The emendation and *amplification* which the special district meeting graft on the rule, is to allow an application to the Conference, whether the district meeting will sanction the application or not. Thus a rule, clear and explicit in itself, is thrown into utter confusion, and becomes a positive absurdity. Where were the sense of a rule, which sends the applicants to the district meeting, *for leave to apply* to the Conference, and tells them, at the same time, that the Conference will receive their application *without any such leave*?

The reasoning of the special district meeting on this subject, is a fair specimen of that which runs through all these accredited documents; and it is such as compels us to presume, that they had a very mean opinion of the understandings of the Methodist public. Take a few specimens:—"The district meeting in May, though it refused its own approving sanction to the application, did explicitly allow of that appeal; its own decision to disapprove was, therefore, accompanied with, and limited by, another decision, viz., to *allow an appeal*." Here is a mere play upon the words, "application" and "appeal." But the appeal was an application!—this grand argument, therefore, amounts to this, viz., "Though it *refused* its own *approving sanction* to the application, yet it did *explicitly allow* an application." As for the word "appeal," it has nothing to do with the subject or the rule. Appeals do not lie in cases of mere consent. The introduction of this word, and the fine flourish about the right of our people to appeal, tends admirably to confuse the question; but the rule relates to the "*special consent* of the Conference." For that consent, application to the Conference was to be made; but such *application* was not to be made, *without the sanction* of the district meeting, who were to say "Yea," or "Nay," to the application. What have appeals (which relate to judicial decisions) to do with a case like this? Besides, by what law of the Connexion are special district meetings empowered to grant appeals? In one part of this singular train of reasoning, appeals to the Conference are the "*unquestionable and fundamental right of all our people*;" to abolish or abridge which, would at once prove the tyranny of the Conference;" in another part, appeals are derived from the "explicit allowance" of a special district meeting,—into such absurdities do men fall, who undertake to defend what is palpably wrong.

Again, the district meeting argue, "If it were possible that the Conference could have designed, by the clause in the law of 1820, to abolish or abridge the right of those bodies to appeal to it, for advice, protection, or redress, whenever they deemed such appeal to be necessary; and to constitute a mere district committee the final and absolute judges of a question, in which the interests and wishes of respectable trustees might be involved, such a design would at once prove the tyranny of the Conference over those whom it is bound to protect."

The above quotation is either a piece of general and unmeaning declamation, having no bearing on the case; or, if intended to apply at all to the application for an organ, it will read thus: "If it were possible that the Conference could have designed to abridge the right of those bodies, to apply to it for consent to erect organs, whenever they deemed such application to be necessary, and to constitute a mere district committee of its own body absolutely necessary sanctioning parties to such applications, in which the interests and wishes of

responsible trustees might be involved, such a design would at once prove the tyranny of the Conference," &c. Now, all this, the Conference did really design and enact; and, therefore, we have the Conference convicted of tyranny on the hypothesis of its own district committee. Whilst on this subject, we shall beg leave to remark, that previously to the erection of an organ in any of our chapels, the consent of three separate parties is absolutely necessary.

1. The consent of the trustees, who hold the property in trust, and are responsible for the chapel debts.

2. The consent of the Conference, to whose use and enjoyment the pulpit is secured by the trust deed of the chapel.

3. The consent of the society, for whose use the chapel is built; and whose consent can only be *Methodistically* obtained by the vote of the leaders' meeting.

We, indeed, are not amongst those who complain of the violation of the law of 1820. The Conference, like all other consenting parties, has a right to prescribe on what terms its consent shall be given; if they do not complain that their consent has been improperly obtained, we should be sorry to do so. But the great mistake lies in supposing that the consent of the Conference, with that of the trustees, is sufficient; and that the consent of the leaders' meeting, and stewards of the society, is not necessary to the creation of an organ. The parties who fall into this mistake, are not aware that the leaders' meeting and stewards of the society, are as distinctly recognised in the trust deeds of the chapels, and their rights as legally vested, as are those of the Conference or of the trustees themselves. The declaration of trust, sanctioned by the Conference, after referring to the Plan of Pacification, in the Minutes of Conference of 1795, adds, "which rules shall also regulate all alterations as to the times or additions of public worship in the said chapel." (See Warren's "Digest," p. 240.) The purport of this clause, in the Conference Form of Trust, is to place all *alterations* and *additions* of public worship, upon the same footing as the introduction of the *Sacrament* is placed on, by the Plan of Pacification; which is, that "except a majority of the stewards and leaders testify in writing to the Conference, that they are persuaded that no separation will be made thereby, they will not allow it." (See Art. 1 of the Addenda to the Plan of Pacification.)

Thus we have proved, not only that the stewards and leaders are a necessary consenting party to the erection of an organ in a Methodist Chapel, as an "addition to public worship;" but that, by the trust deeds of the chapels, and the Plan of Pacification, such consent of the majority of the stewards and leaders must be testified "in writing" to the Conference.

In the Leeds case, the majority of the leaders' meeting were to the last decidedly opposed to the erection of an organ. The Conference had no testimonial from this majority, either verbally or in writing, when they gave their consent; on the contrary, the leaders sent a deputation to the Conference to oppose the granting of such consent. Effects naturally follow causes. The Conference, in giving such consent, not only violated their own rule of 1820; but they also violated the trust deeds of the chapels, and the Plan of Pacification. The effects of this proceeding rapidly followed:—first, disaffection and lawless proceedings, by those who felt themselves aggrieved; secondly a still more lawless special district meeting; and last of all, what all these rules and regulations were intended to prevent, and which, had

the testimonial in writing been required, would have been prevented a separation of 1,000 members from the society!

The next time the Conference are called upon to grant their "special consent" to erect an organ in a Methodist chapel, they will probably deem it prudent to require the testimonial "in writing," from "a majority of the stewards and leaders, that no separation will be made thereby."

2. ON THE SUSPENSION OF MR. M. JOHNSON.

Another point, which we have taken for granted in the former part of this Address, and on which we are favoured with a further sample of the flimsy and fallacious reasoning, on which the Leeds Special District Meeting presume to set up their *dogmas*, in opposition to the established and settled laws of the Connexion, is the illegal and unconstitutional suspension of Mr. Matthew Johnson, from his office of a local preacher. Let it be observed, however, that we do not undertake to defend Mr. Johnson; we know nothing of his case; all we are concerned with is, the illegality of his suspension;—on this point, we make the following extracts from the exposition appended to the ninth resolution of the special district meeting:—

"This charge was met by Mr. Johnson, not by any denial of its truth, nor by a demand of proof, nor by the slightest intimation of a wish for further time to prepare his defence; but by a declaration that it gave him great pleasure to be so accused, as it afforded him an opportunity of expressing his mind on that subject, by a bold admission of the facts charged; accompanied by emphatic declarations that he rejoiced in what he had done; and by an assurance, that he would take the same steps again under similar circumstances.

"After attempting, in vain, to induce Mr. Johnson to retract these sentiments, to confess his misconduct, and to promise not, in future, to repeat it, the superintendent, at length, proceeded to pronounce, officially, Mr. Johnson's suspension from his office, as a local preacher, for three months.

"On this case the district meeting unanimously judges!" (by what law they undertake to judge in such a case is not stated!)

1. "That Mr. Grindrod, in passing sentence on Mr. Johnson's case, violated no law; but, on the contrary, acted in strict conformity with his pastoral right and duties, as recognised by our long established system and usages.

"If there had been any doubt of the truth of the charges, he might have asked the meeting its opinion on that point, but there was not, even in Mr. Johnson's own mouth, a plea of 'not guilty.' No issue was joined,—there was nothing that admitted of inquiry,—the truth of the charge was declared by the party charged; and nothing regularly remained, but to pronounce the sentence, which is, according to our system, and to all analogy, the province of the superintendent."

This last appeal to *analogy*, is most unfortunate for this very confident piece of argumentation. The humanity of British law always interposes between the accused and the judge. If a prisoner plead "not guilty," he cannot be sentenced until a verdict has been obtained against him. If he plead "guilty," still he cannot be sentenced until his plea has been duly and regularly recorded, by the court which has power to try him. The present case was the trial of a man, not by a jury, but by his peers; a distinction which neither Mr. Grindrod, nor the special district meeting, seem to understand. His brethren, the local preachers, constituted the court which alone had power to try

him ; and, until this court had recorded his guilt, either on his own plea of "guilty," or on its own "finding," no sentence could be passed upon him. Did, then, this court so record the guilt of Mr. Johnson? It is manifest that they did not! On the contrary, well knowing that what Mr. Johnson had done, he had done with their sanction and concurrence, *they*, who only had right to pronounce upon his case, admitted a very different plea, and "found no fault in him;" and, when Mr. Grindrod proceeded, most irregularly and unconstitutionally, to sentence the accused, without any record of guilt, the meeting broke up in confusion, and the great majority of the local preachers threw up their plans. The meeting, in all probability, felt that it was unmanly and cowardly to attack an individual, for an offence of which all were equally guilty:

But did Mr. Johnson plead "guilty?" He admitted the facts charged; but then he pleaded a "justification" of those facts. Mr. Grindrod attempted, "in vain, to induce" him "to confess his misconduct." So far from admitting that these facts involved guilt, he "rejoiced in what he had done." He thought himself at liberty to repeat the same line of conduct, and assured the meeting, "that he would take the same steps again under similar circumstances." This plea, *admitting and justifying facts*, is anything but a plea of "guilty." By any court of the country, civil or ecclesiastical, it would have been deemed a plea of "not guilty." Whether Mr. Johnson could have maintained his plea of justification, would have been for his peers to determine, had they been permitted to try him. Much might have been said in support of it, which, probably, never yet struck the mind of the superintendent, or the district meeting. It is not our business, however, to make out a case for Mr. Johnson. Whether he were innocent or guilty, our point is made out, on the *showing* of the special district meeting; viz., that he was *illegally* and *unconstitutionally* suspended; first,—because he did not, as alleged, plead "guilty," but he pleaded a justification; and secondly,—because, if he had pleaded "guilty," such plea was never recorded by the court, which alone had power to try the accused, or to receive his plea; and, therefore, no sentence could be lawfully passed upon him.

In conclusion, we beg leave to remind the Conference of a remark made by one of their most venerable and distinguished members, viz., that "there never was a genuine work of God, which took general effect in the earth, but a beast has arisen out of it." What this beast is, we need not explain; but we dread its appearance in Wesleyan Methodism. The object of this Address being to support and preserve the constitution of Methodism, we have carefully abstained from any unnecessary remarks on the powers of the Conference itself. Whatever some individuals may think, however, of Mr. Wesley's Deed of Declaration, and of the hold which the Conference have on the chapels, by the deeds of trust, the Conference may rest assured that their powers have but one foundation; all other props will be vain, if they should sink in the opinion of the religious public. The hold on the chapels will slide away, as the estate of an insolvent man passes into the hands of his creditors. Whatever, therefore, the powers of the Conference may be, they certainly are not safe in the hands of special district meetings. The public display of these powers in hostile array against the people—the rendering of them the subject of public discussion and angry debate—and, above all, the exercising them in such

a manner, as to awaken the sympathies of the whole Connexion in favour of 1,000 sufferers, who, to say the very least, have on some points been ill-used, can never tend to increase or preserve these powers. The fundamental principles of our constitution are understood by comparatively few even of our own members. Our people, simple and happy in their simplicity, are in general minding better things. We deprecate everything which tends unnecessarily to awaken their attention to such subjects. The less they hear of the power of the Conference and of special district meetings, the better will it be both for the Conference and for themselves. But, assuredly, the repetition of such scenes as have transpired at Leeds, will rouse a class of men, who have the means of obtaining knowledge, and who will know, better than the Leeds people have done, how to defend their rights in a proper manner. The Conference may then have to examine the foundations of its power, and to arm themselves for its defence, when it is too late; and when peace can only be obtained, by giving up more than they will know how to concede with a good grace, or than it would be to the advantage of Methodism to take from them.

This Meeting, therefore, most earnestly entreats the Conference to stop the progress of so great an evil, whilst it may be done,—to restore to the people the concessions of 1797,—to forbid all future interference by special district meetings in local affairs, or with the local authorities,—and, in particular, to put an end, once and for ever, to all pretensions, on the part of such meetings, to any inquisitorial and judicial power over the local officers and members of society. They will thus prove to the Methodist societies the sincerity of the following declaration in their Annual Address to the societies for the year 1827 :—“At no former period, indeed, were we more fully resolved to adhere to the doctrine and discipline established among us, or more determined to ‘walk by the same rule, and to mind the same thing,’ than during the sittings of this Conference.” (Minutes, 1827, page 96.)

Signed on behalf and by order of the Quarterly Meeting,

THOMAS FARMER, }
THOMAS FRID, } Circuit Stewards.

SOUTHWARK, July 3th, 1828.

RESOLUTIONS OF THE TRUSTEES, STEWARDS, LOCAL PREACHERS, AND LEADERS OF THE SOUTH LONDON CIRCUIT, ON THE REJECTION OF THE ADDRESS OF THE CIRCUIT TO THE WESLEYAN METHODIST CONFERENCE, HELD IN LONDON, JULY 30, 1828.

WE, the undersigned Trustees, Stewards, Local Preachers, and Leaders of the Wesleyan Methodist Societies, and Members of the Quarterly Meeting of the London South Circuit, after mature deliberation, have entered into the following resolutions :—

I. That the concessions made by Conference to the trustees and other principal friends of the Methodist Connexion, assembled at Leeds in the year 1797, formed a solemn compact between the Conference and the people; and constituted the fundamental basis of that constitution, under which the Conference has been permitted to exer-

cise its authority, and has received the countenance and support of the Methodist societies.

II. That the approbation of the late Conference to the proceedings and resolutions of the special district meeting which assembled at Leeds, on Tuesday, the 4th December, 1827, was a most unprovoked infringement of that constitution, and a deliberate reassumption by the Conference of those antichristian and unreasonable powers, of which they had so solemnly divested themselves in 1797.

III. That after so deliberate a violation of faith and treaty, we, the undersigned, are not surprised at the rejection of the address of this circuit by the late Conference; inasmuch as it is difficult to conceive how the dominant party in the Conference could have managed a discussion on a case which was too clearly made out, and too well sustained, to admit of any satisfactory reply; and the only rational conclusion of which discussion must have been, the condemnation of themselves and their proceedings at Leeds.

IV. That we are, however, surprised that the Conference should have had so little regard for its own character, as to assign, for the rejection of that address, reasons, which they must have known at the time to be both frivolous and unfounded: and we feel ourselves called upon to remark,—

1. That the Conference well knew that the proposition for printing the address was withdrawn at the quarterly meeting, and that it was printed without the concurrence of the meeting, by individuals over whom that meeting had no control. To reject the address, therefore, on the ground that it was so *printed*, was gross and palpable injustice!
2. That if the address *had* been printed by order of the quarterly meeting, it would have furnished but a frivolous pretext for its rejection; because the resolutions of the Leeds Special District Meeting had been printed and circulated in this circuit, on the recommendation of the Rev. John Stephens, the then President of the Conference; and it was as an answer and antidote to that most mischievous publication, that the address was drawn up. To reject the address, therefore, because it was printed, and at the same time to approve the *printed* resolutions which called it forth, was a very striking illustration of the equity of the Methodist Conference.
3. That the address of this circuit does not contain any “charges of a calumnious nature, founded on false reasonings respecting a case, with the real facts of which the meeting were unacquainted.” But, on the contrary, as the Conference well knew, the address is founded solely on the *facts* stated by the parties charged; and confines its notice to the “accredited documents” put forth by these parties in their own justification. Nor could the quarterly meeting be *uninformed* on the case, or at any loss to express, with justice and propriety, a *positive opinion* thereon; inasmuch as the address was not drawn up until after the special district meeting and the Leeds preachers had repeatedly deluged the whole Connexion with their printed resolutions, and replies, and explanations, and defences. It is, therefore, unjust to assert, “that all this was done without waiting for the explanation and defence of the parties;” for it was their own *ex-parte* statements alone that furnished the sources of their condemnation. With all these facts the Conference were

fully acquainted ; and they had not been able either to point out any error in the statements contained in the address, or to supply any new facts to alter their character ! We, therefore, leave it with the Methodist Connexion to estimate the sincerity with which those reasons are assigned for the rejection of the address of this circuit.

4. That the charge of this circuit having interfered with the concerns of another and a distinct circuit, is sufficiently answered in the Address (p. 14).
5. That as to the charge, that the quarterly meeting has "given utterance and publicity to censures upon absent parties, by name, to whom no opportunity of rebutting them was afforded,"—we reply, that the parties published their own names, in their own resolutions ; and made a merit of that conduct, which it was the duty of this, and of every other quarterly meeting to censure ; and that these parties have, at all times, had the same opportunity of rebutting these censures (if that could have been done), which the quarterly meeting had of giving utterance and publicity to them. But it is evident, that something more than *opportunity* was required to rebut censures, which were so justly due, and so loudly called for.

V That, having exposed the unfounded pretexts on which the Conference had rejected the address of the circuit, it is with feelings of deep regret that we see the Methodist Conference turn round and abuse their best friends in this circuit, merely because they have told them the truth. With most uncharitable feeling, they affirm "the real object of its chief promoters to have been, not the redress of the alleged grievances, but the excitement of dissatisfaction and suspicion among our societies!" The fourth preliminary of the Address (p. 2) is a sufficient answer to this calumny. Does this Address propose any alteration in Methodism? Has it any other object than to maintain the constitution of 1797? And what have any of our highly esteemed friends and brethren to gain, by the excitement of dissatisfaction and suspicion in our societies? If a party of them, disgusted at the pride and ambition which have characterised the proceedings of the Conference throughout these disputes, should choose to leave the Connexion, would not their first and constant aim be, to re-establish Methodism in its purity and original simplicity? Have the ejected brethren at Leeds any other desire or design? Of "dissatisfaction and suspicion" there is, indeed, an abundance in our societies! The Conference know very well whence "the offence cometh!" This dissatisfaction increases; and it must increase, so long as the Conference, in its grasp at absolute power, shall continue to sap the foundations of our dearest rights, and repay with ingratitude and insult, the love of a generous and hitherto confiding people!

VI. It having been wantonly asked, "Why, if we believe these things of the Methodist Conference, we continue to support the system?"—we reply, that our connexion with Wesleyan Methodism is a connexion with God and with his people. These are ties which it is difficult for us to break. There are who can tear themselves away; but we know not that they are happy in so doing. For the present, at least, we see no imperative obligation on us to withdraw from that altar, at which we and our families have been accustomed to worship, merely because an *alien* spirit has entered into some of those who officiate there! Neither God nor the people have yet sanctioned the Divine

Right claimed by the Methodist Conference. The majority of us, therefore, prefer rather to remain, and oppose, as far as we have the means, the growing corruption. We still hope to see better days! The Conference, amongst whom there are still many good men, may yet be brought to a better mind. We have reason to know, that the Address from this circuit has produced, and will continue to produce, a very general sensation; which, with other causes, cannot fail to operate as a serious check on the absolute party. Whilst, therefore, we tender our sincere and grateful thanks to those excellent and highly esteemed brethren, who were appointed by the quarterly meeting to revise and present the address to the Conference, we most earnestly request of them to publish that Address, with such notes and explanations as may be thought necessary and desirable, and to adopt every means for giving to it the most extended circulation; and may He, who has strongly forbidden in his church, the exercise of that deadly power against which we contend, supersede all these evils by the power of his own Spirit!

VII. We utterly deny all right, power, or authority, either in the Methodist Conference, or in any district meeting, to interfere in the *local affairs* of this circuit; or to try, suspend, or expel, any *local* officer or member of society; and we *solemnly* and *affectionately* enjoin and warn all our leaders, local preachers, trustees, and stewards, in case any special district meeting shall at any time assemble within this circuit, *on any such matters or affairs*, neither to attend nor to hold any communication with such special district meeting, or with any member thereof: and we further solemnly engage and pledge ourselves to oppose, with all our influence, any attempt to introduce into any of our local meetings, on any pretence whatever, any preachers who are not regularly stationed in the circuit, without the special leave of such meeting first obtained, and without a positive engagement, on the part of every preacher so introduced, to withdraw immediately on being requested so to do by any member of the meeting.

VIII. That after the recent decision of the Conference, we cannot expect our worthy and excellent superintendent, whom we all highly esteem and revere, to put these resolutions formally to the quarterly meeting. With feelings of delicacy to him, as well as to testify more strongly our concurrence therein, we have therefore resolved to subscribe our names.

SOUTHWARK, Sept. 23rd, 1828.

JAMES SPICER, Leader and Auditor, Southwark Chapel.

ELISHA WILSON, Leader and Society-steward.

W. G. STUBLEY, Local Preacher, Trustee, and Auditor.

J. H. BOWLER, Poor-steward and Leader, Southwark Chapel.

JAMES BICKERTON, Leader and Auditor, ditto.

RICHARD SMITH, Local Preacher and Leader, ditto.

C. J. JONES, Leader and Trustee, ditto.

THOMAS SHEPHERD, Trustee, ditto.

JOHN BECKETT, Local Preacher and Trustee, ditto.

THOMAS KNIGHT, Trustee, ditto.

THOMAS GABRIEL, Trustee of Southwark and Walworth Chapels.

HENRY TYLER, Society-steward and Leader, Southwark Chapel.

GEORGE CROSS, Leader, ditto.

THOMAS JAGG, ditto, ditto.

HARRY HISCOCK, Leader, Southwark Chapel.
 EDWARD F. HARVEY, ditto, ditto.
 JOHN BOAST, ditto, ditto.
 RICHARD FARROW, ditto, ditto.
 WILLIAM SHEPHERD, ditto, ditto.
 WILLIAM DAVIS, ditto, ditto.
 WILLIAM WRIGHT, ditto, ditto.
 EDWARD HEWITT, Society-steward, ditto.
 WILLIAM BOWLER, Trustee, ditto.
 JOHN SHIPTON, Trustee of City Road and Southwark Chapels.
 JAMES RICHARDSON, Auditor to the Quarterly Meeting.
 JOHN HEY, ditto, ditto.
 WILLIAM BUCKLAND, ditto, ditto.
 JOHN RATTENBURY, Local Preacher.
 JOHN PLUCKNETT, Local Preacher and Leader.
 WILLIAM JONES, Local Preacher and Secretary to the Local Preachers' Meeting.
 WILLIAM BRADSHAW MOORE, Local Preacher.
 JOHN WILLIAMS, jun., Local Preacher and Leader.
 JOHN STEVENS, Local Preacher.
 WILLIAM HIGGS, Leader, Southwark Chapel, and Trustee of Lambeth and Walworth Chapels.
 JOHN TURNLEY, Trustee and Steward, Lambeth Chapel.
 JOHN CORDEROY, Trustee, Society and Trustee-steward, ditto.
 C. T. GABRIEL, Trustee, ditto.
 JAMES NASH, Society-steward and Trustee, ditto.
 GEORGE CORDEROY, Society-steward and Trustee, ditto.
 JOSEPH ASHTON, Leader and Trustee, ditto.
 GEORGE WRIGHT, ditto, ditto.
 WILLIAM DOWNING, ditto, ditto.
 THOMAS TURNER, Leader, ditto.
 WILLIAM BAXTER, Poor-steward, ditto.
 RICHARD PIERCE, Leader, ditto.
 MARTIN WEST, ditto, ditto.
 JOHN URSELL, ditto, ditto.
 JOSEPH RAIN, ditto, ditto.
 JAMES FOWLER, ditto, ditto.
 WILLIAM COLLINS, ditto, ditto.
 GEORGE MILES, ditto, ditto.
 JOSHUA COOK, ditto, ditto.
 HENRY WEBB, ditto, ditto.
 WILLIAM ROSSITER, ditto, ditto.
 THOMAS GOAD, ditto, ditto.
 JOHN DOWNING, ditto, ditto.
 EDMAN GOODRICH, ditto, ditto.
 WILLIAM REEVES, ditto, ditto.
 EDWARD PRICE, ditto, ditto.
 THOMAS FRANKLIN, ditto, ditto.
 JOHN B. MORRIS, Leader and Auditor, ditto.
 JOHN KNIGHT, Leader and Steward, Walworth Chapel.
 GEORGE NORTON, ditto, ditto.
 ROBERT DOWIE, Leader, ditto.
 CORNELIUS CARLY, ditto, ditto.
 EDWARD VINGER, ditto, ditto.
 SAMUEL MOTE, ditto, ditto.

JOHN WILKINSON, Trustee, Walworth Chapel.
 JOHN MARSHALL, Trustee, ditto.
 TIMOTHY BARRY, Trustee, ditto.
 JAMES HEYS, Leader, Gainsford Street, and Trustee, ditto.
 WILLIAM WILSON, Local Preacher and Leader, ditto.
 JESSE CARLY, Local Preacher.
 WILLIAM GAZE, ditto.
 RICHARD CAMPION, Trustee, Walworth Chapel.
 WILLIAM WRATHALL, Trustee, ditto, and Steward and Leader of
 Gainsford Street Chapel.
 THOMAS BILLING, Leader, Gainsford Street Chapel.
 JOHN HOOPPEL, ditto, ditto.
 WILLIAM MORREN, Leader and Auditor, ditto.
 JOHN HOLLOWAY, Leader, ditto.
 JOHN SACKETT, Leader, ditto.
 WILLIAM DAWSON, Leader and Steward, ditto.
 JOHN DELAMARE, Poor-steward, ditto.
 JOHN RAMSDEN, Auditor, ditto.
 WILLIAM DALE, Leader and Steward, Brixton Chapel.
 THOMAS MORRIS, Poor-steward, ditto.
 JOHN LOWE, Leader and Steward, Broad Wall Chapel.
 JOHN SCRASE LANGRIDGE, Local Preacher, Steward, and Leader,
 ditto.
 HENRY MOORHOUSE, Local Preacher and Leader, ditto.
 HENRY CAVENDISH, Leader, ditto.
 ROBERT RABY, Trustee, Albion Street Chapel.
 JOHN JONES, Leader, ditto.
 GEORGE EDWARDS, Leader and Society-steward, ditto.
 JOSEPH STIFF, Leader and Auditor, ditto.
 THOMAS BRADSHAW, Leader, ditto.
 JAMES CHIZNELL, Leader, ditto.
 JOHN JOHNSON, Society-steward, ditto.
 THOMAS CROWER, Poor-steward, ditto.
 WILLIAM HARRIS, ditto, ditto.
 J. PATTON, Local Preacher.
 WILLIAM SNOW, Trustee, Southville.
 WILLIAM PALMER, Steward and Trustee, ditto.
 JOSEPH CATO, Trustee, ditto.
 WILLIAM GLOVER, Leader, ditto.
 JOSEPH TAITE, Trustee of City Road and Southwark Chapels.
 JOHN WILLIAMS, Trustee, Southwark Chapel.

REPLY TO THE REV. RICHARD WATSON'S
"AFFECTIONATE ADDRESS," &c.

[The preceding Address and Resolutions called forth the Rev. Richard Watson, as the champion of the Conference, who issued an "Affectionate Address," which produced the following rejoinder, which to the present is unanswered. We have taken out so much of the matter as was merely ephemeral.—ED.]

REV. SIR,— * * * * * The Address was originally the result of the reflections of some of our "more intelligent and influential friends," on the publications which the late President directed to be circulated in this circuit. It was first read in the Quarterly Meeting, and thence referred to a very competent and highly respectable Committee. This committee canvassed every paragraph, weighed every argument, examined and compared everything with the Rules and Concessions of 1797; and having spent a fortnight in diligently and carefully revising, altering, and correcting the Address, they finally presented the result of their labours to an adjourned quarterly meeting, who adopted it in its present form, and ordered it to be signed on their behalf by the circuit stewards. Never was a public document prepared with greater care and deliberation;—never did there appear, on any branch of Methodist discipline and government, an argument which claimed and merited more serious attention from the Methodist public.

You have wisely confined your attack to about eight pages only of this Address. You have, indeed, laboured hard and warily, and have done what you could! You have exhausted all your resources of art, stratagem, and strength. But it was a fruitless attempt; and the failure only serves to prove, beyond all argument, the intrinsic merit and solid character of this highly constitutional and unanswerable work. After all your laboured efforts, it stands a monument, not of Independency, as you would falsely represent, but of the sound Methodistical principles, and truly Christian views and sentiments, of a circuit inferior to none in the Methodist Connexion. An angry and disappointed tyranny, indeed, dashes its foaming rage against its base; but it stands, a rock that cannot be moved; and, frowning on your folly, it bids you retire and be calm. To attribute such a work to individual merit, is to award a palm which no individual amongst us would have the temerity to claim. As the assignment, however, is made by you evidently to gratify a spirit of deep malevolence against some individual—and, in all probability, to pay off an old grudge, we deem it proper to remark, that if other motive had been wanting, gratitude, and the indulgence you have already received at our hands, ought to have deterred you from such an effort. Could we have descended so low, we might easily have found an author of the petulant, unfounded, and very discreditable resolutions of the last Conference, relative to this same address. These resolutions, however, having passed the Conference, we treated them as a public act, for which no individual could be held responsible. We are far, indeed, from thinking (and we make the acknowledgment with pleasure),

that the great body of preachers, piously labouring in the circuits, ever wished for the extravagant power which you, and the party you advocate, have claimed ; but they are misled and abused by a factious band of ambitious men ; and are taught to believe, that these powers are necessary to the existence and prosperity of their work. Be this as it may, we might, perhaps, fairly have taken that occasion of warning the Conference, against entrusting a man of deeply wounded feelings, and bitter personal animosities, with the drawing up of public documents, for which they, as a body, must be deemed responsible.

Previously to entering on a more direct notice of your pamphlet, we must beg leave to recal attention to the real question discussed in Part I. of the London South Address. This is the more necessary, *first*, because you have endeavoured to mix up that simple question with a multitude of other questions which have no necessary connexion with it ; and, *second*, because, throughout your pamphlet, you are exceedingly shy of letting us speak for ourselves. You not only seem afraid to quote our language, in stating the question generally, but, even when professing to reply to some particular argument, you are very careful to give the reader a version of your own ; and which (as we shall have occasion to notice hereafter) generally turns out to be something very different from what is to be found in the London South Address.

1. Let it be observed, then, in the first place, that, in the introductory part of our Address to the Conference, we have solemnly and repeatedly avowed our sincere attachment to the general institutions and economy of Wesleyan Methodism ; and have declared, "that we do not yield, even to the Conference itself, in ardent attachment to the constitution and discipline of the Connexion, as laid down by Mr. Wesley."

2. That in no part of our Address and Resolutions is any change proposed, or even a wish intimated for any improvement in the general system and discipline of the Connexion. On the contrary, we declare, "that we wish for no changes in the system of Methodism ;" that we are content and satisfied with that system, as it has long been established in this circuit. Is this Independency ? Is it faction ? Is it reform ?

These solemn declarations of a whole circuit, attested by the signatures of the circuit stewards, in the first instance, and subsequently by those of 104 officers of the church, many of them of the highest character for respectability, piety, and long standing in the societies, will, we think, have weight with the Connexion. You, indeed, with admirable modesty, have chosen, in twenty places of your pamphlet, and without a shadow of proof, to call in question these solemn and repeated declarations. You have told us, you fear that some of us "care nothing for Methodism," and talked to us about every man we meet having "his project for mending matters of government, as every man can tell us of an infallible remedy for the toothache ;" although you well knew that our Address contained no project for "mending Methodism," nor any proposition for altering anything relating to it. * * * * *

3. It is no speculative question, then, no new theory or plan of improvement or reform, which is discussed in the South London Address. From beginning to end, no such question is introduced ; we admit, that whatever may be the opinions of individuals as to the

theory of our constitution, we have enjoyed peace and prosperity under it; where that is the case, we should hold it unlawful to disturb any church with speculative questions, the discussion of which might distract the attention of its members and disturb its peace. But it was for this very reason, that we were not willing to allow others to speculate with the constitution of Wesleyan Methodism, and to sport with its laws, for the purpose of establishing in the ministry a power which the Connexion has never yet acknowledged, and which it never can admit, without first surrendering its fundamental principles of church government. In the printed resolutions of the Leeds Special District Meeting, we found that an attempt of this kind had not only been made, but that it had actually been carried through, with a reckless disregard of character and consequence, and at a sacrifice to the societies of upwards of 1,000 souls. How terrible are the sacrifices which daring men will make at the shrine of ambition! In order to place this attempt in its true light, it will be necessary to contrast the principle of Methodistical law, as laid down in the Plan of Pacification and other documents, with the leading and acknowledged facts of the Leeds case. This we shall attempt here, even at the risk of extending our introductory matter to an inconvenient length; no matter can be of more vital importance to the Connexion, for our spiritual prosperity itself depends on our maintaining unimpaired our existing institutions. No apology, therefore, will be needful to the general reader for adverting here to the

III. *Principles and Facts of the Controversy at Leeds.*

The Plan of Pacification is a solemn treaty between the Conference and several hundred trustees, and other principal friends, who assembled at Manchester, on behalf of the people, in the year 1795. It is entitled, "Articles of Agreement for General Pacification." These Articles are arranged under two distinct heads: I. "Concerning the Lord's Supper, Baptism, &c." II. "Concerning Discipline." Under both these heads the Plan of Pacification contains highly important and useful regulations, the value of which is enhanced by the still more important principles, which are necessarily implied, and conceded by the Conference, in these regulations. This plan, however, was very defective under the second head, relating to matters of discipline. It provided chiefly for the trial of preachers, and left many rights, which the people justly and scripturally claimed, wholly undefined. As a plan of "general pacification," therefore, it failed; for some of the preachers in that day, as in the present, had high notions of their own powers. In what church, and in what age, were the clergy destitute of such notions? The commotions and agitations which disturbed the Connexion therefore continued, and it was presently found impossible for the system to go on without a further settlement.

Accordingly, about two hundred trustees, delegates from all parts of the kingdom, assembled at Leeds during the sittings of Conference, in the year 1797. The Conference, of course, did not much relish these sturdy assemblies, who came fully prepared to discuss and maintain their Christian liberties. They numbered amongst them the authors of many able pamphlets and resolutions on the subject of Methodistical government, and were masters of their subject. It is amusing to see this Conference, in their address to the American Methodists, complaining of "violent convulsions;" of "liberty being made a cloak for licentiousness;" and invoking the sympathies of our

dear brother Jonathan, as though those "lads of liberty," across the Atlantic, could weep with the discomfited champions of an arbitrary system of government! Upon the whole, however, the Conference of 1797 put a tolerable face upon the matter. They entered into a further treaty with the delegates, containing, under distinct heads, many stipulations of vital importance, touching financial and all other temporal matters, the admission and expulsion of members, the appointment and removal of leaders, stewards, and local preachers, &c. &c. These stipulations were published in a printed circular, and were forwarded to the circuits before the Conference broke up.

One of the most important engagements, to which the Conference stood pledged by this circular, was that contained in Article 6, by which they "determined, that all the rules which relate to the societies, leaders, stewards, local preachers, trustees, and quarterly meetings, should be published with the rules of the Society, for the benefit and convenience of all the members." The stipulations contained in the printed circular, with the "Collection of Rules or Code of Laws," thus published "in execution of the above determination," constitute what are denominated "The Concessions of 1797." The Plan of Pacification, and these Concessions, have been not inaptly termed the Magna Charta, and the Bill of Rights, of the Methodist Connexion. To give the greater solemnity to those solemn engagements, the following declaration, subscribed by one hundred and forty-five preachers, including the President and Secretary of the Conference, appeared in the printed Minutes for that year, dated August 1st, 1797.

"Whereas we, the undersigned, have, on this and the preceding day, carefully revised the rules drawn up and left us by our late venerable Father in the Gospel, the Rev. Mr. Wesley, which were published by him in our Large Minutes, to which we consented when we were admitted, and by which we were regulated during his life: and whereas we have collected together those rules which we believe to be essential to the existence of Methodism, as well as others to which we have no objection; we do now VOLUNTARILY and in GOOD FAITH sign our names, as approving of and engaging to comply with the aforesaid collection of rules, or code of laws, *God being our helper!*"

In the above declaration it is evident that two distinct classes of laws are alluded to. The *first* was a revision of the Large Minutes published by Mr. Wesley, to which the preachers consented when admitted members of the Conference, and by which THEY were governed during his life. The *second* was a collection of rules believed to be essential to Methodism (such of the old rules, relating to the societies, &c. as were retained in the treaty with the Delegates), as well as others (the new stipulations introduced by that treaty) to which the Conference had no objection. This distinction is very important. With the Large Minutes the local officers and members are not concerned. They form no part of the Concessions of 1797; but were separately published for the use of the preachers, who alone "consented to them when they were admitted." It is the *second* "Collections of Rules or Code of Laws, published with the Rules of Society for the benefit and convenience of all the members," which formed the subject of treaty between the Conference and the Delegates of 1797; and which, therefore, constitutes the only basis of law, by which the societies and local officers are, or can be, bound.

This clear and obvious distinction between these two classes of

laws, arises necessarily out of the relation subsisting between Methodism and her Conference; and the particular constitution of the latter assembly. The Conference itself is a voluntary association; but such an association implies the right of the general body to dictate and enforce its own terms of union on all its members. Hence arises the *legislative* power of the Conference over its own members—the preachers; and that particular class of laws comprised in what are termed “The Large Minutes.” It is singular, however, and worthy of remark, that in the Deed Poll of the 28th Feb., 1784, by which Mr. Wesley declared the members and defined the powers of the Conference, he makes no direct mention of any legislative authority as vested in that assembly. This power, of course (to the extent we have mentioned, but no further), is implied in several of the clauses of that deed; but a standing legislative authority in the church of God was no very favourite notion with Mr. Wesley. A few plain and simple rules, the obvious dictates of prudence and common sense, were all that he deemed necessary. Such rules he had provided for the Conference and the Connexion; and his constant observation to the preachers was, “our rules do not want mending but keeping.”

On the other hand, the connexion between the Conference and the Societies is also voluntary. Consent of both parties, *express or implied*, is of the very essence of such a connexion. The scriptural authority of a Christian minister over the people of his charge is out of the question here. Even in that case, the minister has no *legislative* authority; his right is simply to maintain and enforce the laws of Christ. He who would impose any other law upon his people, and especially against their consent, is not a minister of Jesus Christ. Mr. Wesley himself could have no right to make laws and enforce rules on several hundred thousand of his fellow Christians, *without their consent*. But this consent Mr. Wesley enjoyed, and to an indefinite extent. The consent, in this case, indeed, was not *express* but *implied*. Mr. Wesley was authorised by no express treaty; nor was he bound by any *formal* stipulation. For this very reason his power died with him. The consent of the people, that he should legislate for, and rule them, he could neither transfer nor bequeath to another; for though the people had consented to him, they had not, and, as he himself tells us, *never would*, consent to any other (“Wesley’s Works,” vol. viii. p. 313. Ed. 1829). This alone is a sufficient answer to that hacknied absurdity, that “the Conference derived from Mr. Wesley the power to rule the Methodist Connexion.”

But to return: The distinction between these two classes of rules—between the “Large Minutes,” on the one hand, and the “Collection of Rules or Code of Laws,” on the other; and their distinct relation, the former to the government of the preachers, and the latter to that of the local officers and societies, is not only thus pointed out by the very language of the above declaration, so solemnly made and signed by the Conference of 1797, but also by the practice therein referred to. The preachers *consented* to these “Large Minutes when admitted members of Conference.” Ever since their first publication by Mr. Wesley, the young preachers, when admitted, receive a copy of these Minutes inscribed as follows, and signed by the President and Secretary of the Conference:—“You think it your duty to call sinners to repentance; make full proof thereof, and we shall rejoice to receive you as a fellow labourer.” On the admission of local officers and members, however, they are not even informed of the existence of these

"Large Minutes." As to *members*, the rule simply requires that the Rules of the Society be given them "the first time they meet;" and as to *local officers*, they consent to nothing but the rules and usages of the meetings of which they are elected members.

The Conference of 1797 further confirmed this distinction between the Large Minutes and the Collection of Rules or Code of Laws, by an act the most unequivocal, and which, beyond all controversy, determines their separate and distinct application. Having "revised" the former, and "collected together" the latter, they published them in two *separate* pamphlets. The first of these pamphlets, containing the "Large Minutes" revised, they continued to give, inscribed and signed as above, to the young preachers "when admitted." But the second, containing the "Collection of Rules or Code of Laws," is expressly stated in an introductory note, to be published "in execution" of Article 6 of the printed Circular, "for the benefit and convenience of all the members." This Article of the Circular is in fact printed at the head of this latter publication; and declares it to contain "ALL the rules which relate to the societies, leaders, stewards, local preachers, trustees, and quarterly meetings." And if it contain ALL such rules, then the conclusion is inevitable, viz., that the Large Minutes and their contents do not relate to the local officers and societies, but *exclusively* to the government of the travelling preachers.

This distinction being of vital importance to the present question, we must further remark, that it is a distinction which has been always observed and maintained. It is distinctly pointed out by Myles, by Crowther, and indeed by every other writer on the constitution of Methodism. Dr. Warren, in his Digest of the Laws of the Connexion lays it down as an acknowledged principle, that "as the Large Minutes, published by Mr. Wesley, contain the principles by which the preachers are governed; so the Plan of Pacification, agreed upon between the preachers and the people in the year 1795, and the subsequent regulations made at Leeds, in the year 1797, constitute a basis of government of the societies:" and so clear and indisputable did the Doctor deem this principle, that he has founded on it the arrangement of his book.

Now, the Miscellaneous Regulations of 1797, *relating to districts*, are to be found only in the Large Minutes, revised as above, for the government of the preachers. They are not inserted, nor even referred to, in any shape, directly or indirectly, in the Collection of Rules or Code of Laws for the government of the people. It was the application of these regulations, *relating to districts*, to local officers and members, that constituted the great offence of the Leeds Special District Meeting; and which is the plausible cover of the attempts then made and still pursued on the part of the Conference to overturn the "Concessions and Code of Laws of 1797," and to recover to themselves that absolute power over the people which they then so solemnly renounced.

With a view to extend the knowledge of these standard regulations, as well as to shut out all complaint of quotations, we have printed the whole of them relating to the people in an Appendix.* In some respects they present but a poor specimen of Methodistical legislation, but they are sufficient for practical purposes; and so long as we

* The Deed of Declaration and the so-called Laws of 1835 are added to the Appendix, in this edition, for the purpose of reference.

maintain them in their true spirit and common-sense acceptance, neither Conference, nor district meeting, nor superintendent, can trample on our liberties. As matters of solemn treaty and compact between the Conference and the Connexion, we ought carefully to distinguish them from all other Conference laws and regulations. Whatever may be thought of the *legislative* power of the Conference, we must not omit to remark, that *the Conference itself has no power whatever to make a law, or to enjoin or sanction any act*, which shall have the effect of altering, revoking, or weakening, these fundamental articles, for that would imply a gross breach of faith with the people. This principle not only admitted, but insisted upon, by Mr. Vevers, in his amusing pamphlet; which, having been published at the book room, and applauded in the magazine, we presume we may quote as an authority.—“The Conference itself,” he remarks, “has not the power to make or to promulgate any new law, which changes or affects the constitution of Methodism. By so doing, it would commit an act of suicide. I maintain that the Conference has not that power, unless it destroy itself.” You have also faintly told us in your address, that “the rules of 1795 and 1797, in their fair and consuetudinary interpretation, are always considered by the Conference as the final rule of decision.” The admission, thus extorted, is of some value in a book written expressly to undermine those rules, by forcing on them, as consuetudinary, an interpretation (or rather, by grafting on them an exceptional power and right of interference in extraordinary cases), which they not only do not sanction, but which, as we shall show, is calculated wholly to destroy their effect. The men of 1797, who thus stipulated with the Conference, whom Mr. Vevers calls the “friends of religious liberty and of primitive and genuine Methodism,” and of whom he remarks, “there were giants in the earth in those days!” knew too well what they were about, to admit of any such exceptional power or right of interference, as you contend for. Even your pleas of necessity and the public good, which form the pith and substance of your address to us, would not have been listened to for a moment by those “giants.” They were too well aware of the truth which a nervous pen has lately enforced upon the nation, that “all free institutions have perished by the introduction of an exceptional power, to which the authority of superseding the laws has been unwarily or craftily entrusted;” and that “all pernicious laws and precedents have been ushered into free governments upon the plea of some public good to be attained. It would be too barefaced and useless an attempt to enslave a whole people, by telling them that their slavery was the object intended.”

Recurring, then, to the principle laid down in the Plan of Pacification, the following are literal copies of the first and fourth articles, under the first head of that plan:—

Article 1. “The sacrament of the Lord’s supper shall not be administered in any chapel, except the majority of the trustees of that chapel, on the one hand, and the majority of the stewards and leaders belonging to that chapel (as the best qualified to give the sense of the people), on the other hand, *allow of it*. Nevertheless, in all cases, the consent of the Conference shall be obtained before the Lord’s supper be administered.”

Article 4. “The administration of baptism, the burial of the dead, and service in church hours, shall be determined according to the regulations above-mentioned.”

The above articles furnish a clear principle, on matters highly important and necessary to a Christian church, but which had not theretofore been deemed essential to Methodism,—matters then newly introduced, and with which Mr. Wesley would not allow his lay preachers to meddle during his life. They are *positive* and *absolute*. The Plan of Pacification contains no reservation of an exceptionary power, or appellat jurisdiction, in favour of the Conference; no provision for the interference of a special district meeting; no exception in favour of the inherent rights of ministers and pastors. The *consent* of the people, as represented by the stewards and leaders, is indispensable,—*consent* is all that is reserved to the Conference. In these respects, then, the Conference have actually “introduced a power, in the strict sense, co-ordinate with the ministry!” and “if it is a co-ordinate power, in no case can you act without its authority!”

We must still beg leave to put it to the Connexion at large, whether the plain, pacific, and truly primitive principle thus laid down, of giving to the trustees, leaders, and stewards a voice (that is, the effective vote of a majority, and not the mockery of a consultation, by which the superintendent shall not be bound) in the administration of the Lord’s supper, baptism, the burial of the dead, and service in church hours,—whether, we say, this principle be not the true Methodistical principle, applicable to all matters which some may deem of importance, but which are not essential in the economy of Methodism; and whether, therefore, this principle do not equally apply to organs, liturgies, surplices, and every other appendage of public worship. We insist, that this just and equitable principle applies equally to all such matters, and that for the following reasons:—

1. Because all the more eminent and standard writers on the discipline and practice of the primitive churches, have admitted and proved that the members of those churches, as well as their ministers, had an effective voice in whatever concerned the discipline and ordinances of the church. This principle constituted one of those powerful arguments employed in the controversy of 1795 and 1797, and on which the Plan of Pacification and Concessions were founded, as appears by a multitude of pamphlets in our possession. It is, therefore, a *fundamental* principle of Wesleyan Methodism. The object of your address, indeed, is to overthrow this principle; and yet, with strange inconsistency, you tell us, “The more clearly we perceive our system to rest on Holy Scripture and the reason of things, the more firmly shall we be united to maintain and cherish it.”

2. Because the counter-principle, laid down in the Minutes of the Leeds Special District Meeting, on the right of a leaders’ meeting to express its *opinion*, when it is proposed to introduce an organ into any chapel with which such meeting may be connected—viz., that such opinions “are not, on any just principles, or by any law or usage of Methodism, to be admitted as binding;”—and which principle it is the object of your book to maintain,—is altogether contrary to Holy Scripture and the reason of things. It is also, as you very well know, as contrary to the hitherto acknowledged practice of Methodism, as it is to justice, equity, and good faith; and, like the mock consultation which you recommend as between the superintendent and the leaders’ meeting, but in which, as you tell us, “the ultimate decision must rest with the minister himself,” it is an insult on the good sense and intelligence of the local meetings, and a most unwarrantable encroachment of the ministerial power on the liberties of the church.

3. But the universal application of this truly Methodistical and pacific principle, that the local authorities have an *effective vote* in whatever concerns the administration of the church, does not rest solely or chiefly on general arguments. By the same Plan of Pacification, it is extended to the trial of preachers in relation to, 1. DOCTRINE, 2. MORALS, 3. ABILITIES, and 4. OBEDIENCE to Methodistical Rules. Is this evidence!—or are we to be told, that the votes of the trustees, leaders, and stewards, *on these matters*, “are not, on any just principle, or by any law or usage of Methodism, to be admitted as binding?”

4. Again: by the articles under the *first* head of the Concessions of 1797, no *financial* matter, and by the articles under the *second* head of the same Concessions, *no other temporal matter* (evidently in contradistinction to *finance*), can be taken up or transacted by the district meeting, “till the approbation of the respective quarterly meetings be first given, *signed by the circuit stewards*.” This fundamental article of our constitution, appears not to have been sufficiently insisted on in the present controversy. Unless an organ be decreed to be a purely *spiritual* matter; if it have any form and substance which give it affinity to “things temporal,” then, by this rule, the application of the Brunswick Chapel Trustees to the district meeting, in the first instance, was a violation of the constitution of Methodism. It is not pretended that these trustees had the approbation of the quarterly meeting, signed by the circuit stewards; but without such approbation, and so signed, the district meeting had no right whatever to entertain the question; and this, be it remembered, is one of the *fundamental* laws which the Conference has no right whatever to alter, revoke, or infringe.

5. The Conference long ago approved and printed in their Minutes a form of trust deed for the settlement of our chapels. They have repeatedly and strenuously enjoined all the chapels to be settled according to this form. They have enjoined the superintendents not to allow any chapel to be occupied for public worship until so settled; and it is a standing regulation of the Chapel Fund, that no assistance from that fund shall be granted in aid of any chapel which has not been previously settled on the Conference plan. The Conference form of trust, as we have shown in the Address of this circuit to the Conference, p. 24. places all *alterations* as to the times, or *additions* to public worship, on the same footing, and to be regulated by the same principle as is laid down in the Plan of Pacification. This argument, which is more fully stated in our Address to the Conference, is doubtless one of those which you are pleased to term, “bold assertions,” “artful leadings,” &c. Our arguments, however, are before the public; and such is our opinion of them, that we think the man who will assert, after weighing them, that the pacific principle laid down in 1795 (and then *conceded absolutely*, in regard to the doctrine, conduct, morals, and abilities of preachers,—to the Lord’s supper, baptism, burial, and service in church hours, and generally to all *temporal* matters), is not applicable to organs, liturgies, &c., and indeed to every change in, or addition to, public worship in a Methodist chapel, either wants common sense, or he is destitute of a quality still more estimable.

Lastly, This principle was evidently acted upon by the Conference in their law of 1829, relative to organs. By that law, no new or different principle is laid down; but, as by the Plan of Pacification the

sacrament could not be administered until the *consent* of the Conference had been first obtained, so, by the law of 1820 it is assumed, that the special *consent* of the Conference is necessary to the erection of an organ in a Methodist chapel. The law of 1820 proceeds, then, not by any means to infringe on the Plan of Pacification, by laying down a new principle, but to regulate what it properly belonged to the Conference to regulate, viz., the manner in which their *consent* should be applied for and obtained: "every application for such *consent* shall be first made at the district meeting; and if it obtain their sanction, shall be then referred to a committee of the Conference." Any leaders' meeting might, in like manner, pass a regulation, stating in what manner, and upon what terms, they would give their *consent* in any matter which it required the consent of a leaders' meeting to carry into effect.

Let us now glance at a few of the leading FACTS of the Leeds case, as admitted in the accredited documents; and see whether a spirit of most determined wrong has not dictated all those measures, which have led to such unhappy results at Leeds, and have tarnished the character of the Methodist Conference. We say the character of the Conference reluctantly, because we are fully aware that it is your party to whom the odium of those measures properly belongs. We are still willing to hope, that there may be found in the Methodist Conference virtue to perform the only redeeming act which yet remains to them, viz., to put down this party; to renounce their principles; and recall their measures. By such an act alone can they set themselves right with the religious public, assert their own independence, and save the Connexion.

The plain facts of the Leeds case, then, are as follow:—A few trustees, and others, wished to have an organ in Brunswick Chapel, Leeds. For this purpose a paper was drawn up, purporting to be a petition or request from the seat-holders to the trustees, to erect such organ; when the acting trustees thought they had signatures enough to justify their taking up the matter, they applied to the superintendent of the circuit. Mr. Stanley advised the proper Methodistical course, viz., to apply to the leaders' meeting for their sanction. The matter, on being introduced to the leaders' meeting, met with very strong opposition, and a large majority decided against the erection of an organ, on the ground that it would impair that simplicity of worship which they had ever maintained. There is, in the minds of many of our most pious and experienced leaders, an apprehension which you may, perhaps, regard as a weak prejudice,—viz., that exterior pomp and mundane splendour add nothing to the value of religious services in the estimation of Him to whom they are addressed; and that these meretricious appendages of public worship generally accompany, if they do not indicate, the decay of piety in the Christian church.* Here, then, on the principle of the Plan of Pacification, and on every principle of good sense and equity, the affair ought to have

* The early Romans, from the foundation of their ancient city, discarded the sumptuousness and splendour which the Greeks had introduced into their religious festivals, and the service of the Temples. Cicero laments the loss of this primitive simplicity in his time, and forcibly asks, "*Minusne gratas Diis immortalibus capedines ac fictiles urnas fuisse, quam delicatas (delicias) istorum pateras arbitramini?*"—"Can we think that these earthen and potters' vessels were less agreeable to the immortal gods, in their worship, than those of gold and silver, which are now so much esteemed?"—1 *Parad.*

dropped; the voice of the church and the law of Methodism ought to have been respected: these, however, were authorities to which the pride of the organ party could not submit; they had interest with some of the preachers; and, acting on advice which ought never to have been given, they determined on over-stepping the leaders' meeting and the quarterly meeting, by an application to the district meeting. The superintendent of Leeds was chairman of the district; he knew that the opposition to the organ was very strong, and that the measure was therefore a dangerous one. At the district meeting, accordingly, the trustees were mortified by a second defeat! The district meeting, so improperly appealed to, refused their sanction. Surely the matter ought now to have ended; for, as we have shown at length in our Address to the Conference (p. 22), no application could be made, by the law of 1820, for the consent of the Conference, unless the consent of the district meeting had been *first* obtained. The pertinacious application for this latter consent, might alone have been deemed a sufficient insult to the leaders' meeting and the Leeds people. But the pride of the human heart, and especially the pride of party, is not so easily overcome. To deck out and adorn the services of a Methodist chapel in all the pomp and parade which the Established Church has borrowed from the pride of Rome, is an object as dear to certain preachers as it appears to have been to certain trustees of Brunswick Chapel. With such preachers, therefore, the organ party had a common interest, and the influence of the former in the Methodist Conference was deemed fully adequate to accomplish any object they might undertake. Suffice it to say, that an application was made to the Conference for leave to erect the organ! The strongest remonstrances were made against it, on behalf of the Leeds people; but the Conference, in defiance of these remonstrances, in contempt of the decision of the leaders' meeting and of the district meeting, and in the very teeth of the Plan of Pacification, of their own law of 1820, and of the trust deeds of the chapels, granted such leave!

The leave thus granted by the Conference did not still justify the erection of the organ. The *consent* of the leaders' meeting was indispensable, by the laws of Methodism. That consent could never be obtained. The organ, therefore, now standing in the Brunswick Chapel, Leeds, is a monument of the ascendancy of a turbulent faction, and of the overthrow of the laws and liberties of the Methodist Connexion. And mark the spirit of the men who have thus exalted themselves. The organ has been opened with a pomp and parade unparalleled in Methodism;—Mr. Wesley, the celebrated organist, was called down from London; popular preachers were engaged; the whole county was insulted with this unholy triumph of a few individuals over one of our oldest and most venerable societies; hand-bills were posted in all the neighbouring towns; in Manchester, and even in London, we saw placards a yard in length, and printed in the largest and boldest characters!

To expect that men, raised in any degree above the condition of abject slavery, should patiently submit to treatment so injurious and degrading,—to anticipate peace in the Leeds societies after all these multiplied wrongs, were only to betray gross ignorance of human nature. Accordingly we find that, immediately after the Conference of 1827, the greatest disorders prevailed in these societies. Before the new superintendent was settled in his office, irregular meetings

were held, the avowed objects of which were to oppose, as far as possible, the injustice which had been sanctioned, and to compel the preachers to respect the rights of the people. This was perfectly natural. What else could the Leeds people do? We admit that the proceedings of these meetings were very extraordinary; and, in ordinary circumstances, they would have been very unjustifiable. For this reason we declined any attempt to justify them. In our Address to the Conference, we were careful to distinguish between the disputes at Leeds and the proceedings of the special district meeting thereon. We confined our attention to the latter subject, and treated the question solely in a constitutional point of view.

In forming our judgment, however, of these irregular proceedings of the Leeds brethren, we cannot overlook two important considerations:—

1. That on the matter in dispute, all law and rule, moral and Methodistical, had been overturned and trampled under foot by their opponents, the trustees, the preachers, and the Conference. The law being thus at an end, we cannot see how their proceedings, whatever they might be, could be deemed illegal; for where there is no law, there can be no transgression. We, of course, confine this remark to the parties in dispute; the Methodist public may, and perhaps will, condemn, to a certain extent, both parties. But the Conference and the preachers can have no right to question the acts of the Leeds brethren; we cannot admit their privilege to break the laws of the Connexion at pleasure, and then to call upon the people to obey them. Before their complaints can be listened to, they must come into court with clean hands. Rom. ii. 1, 3, 21.

2. Whatever these proceedings might be, and however injurious to Methodism, they might have been put an end to at any time, by a simple act of justice on the part of the new superintendent. Their sole object was to prevent the erection of the organ until all parties could have fair play. This is proved by the very moderate and conciliatory proposals made to Mr. Grindrod, on the 13th October, 1827, which were,—

“I. That all preparations towards the erection of the organ shall be immediately suspended, and shall continue so until after the next Conference.

“II. That the leaders’ meeting and quarterly meeting shall have full power to address Conference on any of the subjects in dispute; and that their memorials shall be read in full Conference.

“III. That brother Johnson, and all the brethren united with him, in both circuits, shall, as a matter of course, resume their work and station, immediately after the next quarter day.”

This is not an hour of the day in which men should be afraid to speak out, and to utter a little plain truth in the ears of Methodist preachers. The reply of Mr. Grindrod to the above more than equitable propositions, in which the parties still submit the question to the Conference, and claim not half their right, renders him and his advisers responsible to God and to Methodism for all the consequences which followed. He replied, that “he could not interfere with the erection of the organ,” and insolently talked to these injured and respectable men, about “confessing the fault they had committed, and promising to observe Methodist discipline in future!” And you, in coming forward to apologise for these lawless proceedings, have “placed yourself, indeed, in an unpleasant position before the Connexion.”

It is in vain that you employ a prostituted rhetoric to gloss over these positive violations of Methodistical law, these acts of insulting and degrading oppression and wrong. You may talk of "a dead and corrupt branch hanging upon the common stock, and defended from all pruning and lopping;" but we must beg leave to remind you, that many of the precious souls, whom you thus "pruned and lopped," went out of the societies making their solemn appeal to Him who saw in that day the anguish of their spirits, and who will surely require a recompense!

All these proceedings we beheld, and kept silence; we entered not into the merits of the Leeds case. To the Leeds people we left the defence of their own liberties. It belonged not to us to give advice, although we should, doubtless, have adopted a very different course ourselves, if similarly situated. We did not feel ourselves called upon to interfere, and certainly never should have interfered in the controversy on this subject, if we had not seen, what was worse than all the rest, viz., that the proceedings of this special district meeting were detailed, defended, and published, with the sanction of the President and Secretary of the Conference, as a new code of discipline for the Methodist Connexion.

IV The design and practical result of this new code of discipline, are to convert the preachers of a district into a cohort of flying police that may be readily convened on any given spot, and on the call of any superintendent who may chance to find himself in a minority, on some question which he is determined to carry in defiance of the local authorities; and in which he conceives, or has ascertained beforehand (the Leeds superintendent went to Manchester before he called the district meeting), that his brethren in the ministry will be well pleased to support him. This district meeting, or court of police, aware that it is no question of Methodist doctrine, nor even of morality, which they are called on to support (for these matters are otherwise and effectually secured in Methodism; and any alarm in relation to them exists only in your suppositious cases, which we shall handle anon), but simply one of ministerial power and authority, in which, if it can be carried against the people, they shall all be equal sharers, are instructed, in the first place, to declare that they are assembled on "an extraordinary emergency," for the preservation of Methodism! This "emergency," as we have stated in our Address to the Conference, may mean anything or nothing, no matter what! It is the declaration of the special district meeting, which is not to be examined or questioned by any authority on the part of the people! It may simply be, that the superintendent has been found in a minority; or, that a leaders' meeting, being dissatisfied with the proof, would not convict on evidence which he thought sufficient! Nay, it should seem, from the first resolution of the Leeds Special District Meeting, that it is sufficient to declare that an extraordinary emergency "is now alleged to exist." It makes no difference either that all the emergency is occasioned by the conduct of the preachers themselves! And you have not, in your address to us, ventured to say a single word in defence of those palpable violations of law, on the part of the Conference and the superintendent, out of which alone the "extraordinary emergency" at Leeds arose. This emergency once declared, however, the special district meeting is instantly invested "with full powers" to suspend all ordinary laws; to summon before it all the the local meetings in succession; to tender them a new test

of moral and Methodistical qualification; and to declare that the minority, however small, which adheres to the superintendent, is the *sound*, and the majority, however great, the *unsound*, part of the society. This sound minority are to be rewarded for their tame subserviency by a few sugar-plum resolutions; and the unsound majority, who have displayed some conscience in maintaining the liberties of the church, are to be overwhelmed with a torrent of indiscriminate abuse, as factious, disaffected, and in actual rebellion against their superintendent! Finally, the district meeting are "to act and decide" in the whole business, not according to any known and acknowledged rules, but simply "as to them may seem right and necessary." These "actings and decidings" present a very strange medley. Facts and principles, illustrations and reasonings, are jumbled together, to prepare the mind for novel and interested expositions of Methodistical law and Christian obligation. The offenders are to be distinguished and classed according to various degrees of delinquency; and a nicely adjusted scale is presented of reproof, warning, threatening, suspension, expulsion, and anathema; which, like the offences charged, are not brought home to A, B, and C, but are levelled, indiscriminately, against whole classes of offenders! The whole was to be a sweeping affair! It commenced practically with the exclusion of between thirty and forty leaders, many of whom had taken no part whatever, direct or indirect, with those whom you are pleased to call disaffected; but whose sole offence was their refusal to subscribe the new test. A simple and undeniable fact this, which should have prevented any man of conscience, or feeling, from taking any part with the men who perpetrated the Leeds business!

And who are the men, we could ask, whom you have thus excluded from the temple of God? Are they infidels, heretics, blasphemers, perverters of the truth, and enemies of the Saviour? Are they liars, thieves, adulterers, unclean persons, and injurious? You know that they neither hold the truth in unrighteousness, nor dishonour their profession! You know that of the one thousand souls thus cut off from the societies, most of them, and, for anything you can prove or dare allege, all of them, are the precious members of Christ! You know, or at least your brethren at Leeds know, that they were no sooner thrust out from the synagogue, than the Saviour met them and comforted them; that he filled their assemblies with his presence and power, and rendered their means of grace, both public and private, effectual to the conversion of souls, and to the edification of them that believe! These are facts so universally known and acknowledged, that you dare not attempt a denial of them! It was wise, it was prudent, it was exceedingly judicious in you, to omit all reference to the facts of the Leeds case. Those facts, whether they relate to the origin, the progress, or the results of that dispute, stand so diametrically opposed to your main object, that you did not even dare, with all your peculiar talent in this line, to risk an attempt at bending and twisting them to your purpose! They must be put altogether out of sight; and until the attention of the public can be wholly diverted from them, you are evidently aware that neither apology nor excuse can be made for the conduct of the special district meeting and the Conference, in relation to the Leeds case! All Scripture, all reason, and experience, and, as we have contended, and shall contend, all that is fundamental and practical in Methodism, concurs to condemn that conduct.

It is no apology for these proceedings, to tell us that you only expelled the principals, and that the rest excluded themselves. There is a relation between the leader and his flock, which cannot exist between them and any other minister or pastor. The leader is the man whose life and conversation they are best acquainted with, and which they have the most frequent opportunities of comparing with the Scripture standard. They know his faith, his spirit, his zeal,—his diligence, disinterestedness, and love. He is, in many instances, the man who first cared for their souls, and gathered them into the fold. Your public ministrations may have answered all the ends for which they were designed; but, according to our system, your intercourse with the people is brief and transitory. You speedily pass away, in all probability to return no more; but the leader is the pastor, who, assuming no authority or influence, save that of love, and spurning any other hire, watches incessantly for their souls, as he who must give a peculiar account. To the leader, then, if he be a faithful man (and such were the men whom you have expelled), the hearts of the people are knit; they entrust to him continually the secret of their souls; and, with happy and well-placed confidence, tell him all their hopes, their fears, their sorrows, and their joys. They unfold to him all their cares, conflicts, temptations, and trials; he knows their character, their situation in life, their peculiar besetments, and constitutional infirmities. From him they gratefully and affectionately receive instruction and counsel, consolation and comfort, reproof and warning, exhortation and encouragement; in short, all that can tend to the edification of their souls in faith, in knowledge, in holiness, and love. If, then, there be any power in love, or any love in the church of God, it must prevail here, to knit together the hearts of the leader and his people as the heart of one man. To attempt the removal of a leader, therefore, upon any questionable ground, is at all times a dangerous experiment; but when, as in the Leeds case, there was no allegation of false doctrine, no suspicion of immorality,—when the sole question was, whether leaders and people should be compelled to bow down to the new idol of lawless power, the people must have wanted hearts indeed, if they had not firmly adhered to the men who, under the great Head of the Church, were the true shepherds and bishops of their souls!

V. Returning now from this long but important digression, we have but to remind you, that the question discussed in Part I. of the London South Address, related exclusively to the Methodistical right and authority of the special district meeting to interfere with the local authorities at Leeds, in the manner set forth in their printed resolutions. That question is thus stated in the first sentence of this part of our Address: “That *travelling preachers alone* are, by the present constitution of Methodism, amenable to special district meetings; and that the application of the judicial and inquisitorial powers of such meetings to officers and members of societies, is a novel and unauthorized extension of their jurisdiction, will appear by a simple reference to the rules of Conference, authorising and empowering such meetings.” In reviewing these laws, we launched out into no “new theories;” we indulged in no “speculations;” we brought forward no indefinite and indiscriminate charges; we seized no “new topics of factious declamation;” nor did we, “under pretence of bringing us back to what is *old* in Methodism, covertly endeavour to bring in what is *new*, and essentially opposed to our bond of union; and then factiously

endeavour to disturb our societies by their publication." When you penned these sentences against us, you must have been fully aware that there was not the slightest foundation for them. Let the reader turn to the pages which comprise Part I. of our Address, and to which you have confined your attack; and let him judge for himself, whether a more close, connected, legitimate, and conclusive argument were ever presented to the public. We, indeed, are not surprised at your saying these things; for we are well aware, that this method of treating your opponents constitutes at once the character and the strength of your party. "Throw dirt enough, and some will be sure to stick!" Nor can we be offended at it; because, with all men of candour and common sense, it will be a proof of weakness, and will induce them to throw down the book, as one of gross abuse and wilful misrepresentation!

When we first heard of the proceedings of the special district meeting at Leeds, we were at a loss to know on what law of Methodism they had grounded their right of interference. Long and intimately acquainted with the Plan of Pacification and the Concessions and Code of Laws of 1797, we were perfectly aware that none of these *fundamental* statutes of the Connexion afforded the least countenance for such an interference. On the contrary, to our apprehension, they appear to be framed for the express purpose of securing the liberties of the local authorities from any such encroachment of power on the part of the district meetings and travelling preachers, by stripping the former of all authority "but a bare negative;" and making, "on the part of the whole body of the latter, the largest sacrifice in respect of authority."

The resolutions, however, of the special district meeting no sooner appeared, than we perceived that they had founded all their authority on certain Miscellaneous Regulations of the year 1797, relating to district committees; and that, in order to render these regulations subservient to their purpose, they had distorted and perverted them in the manner exemplified in the *second* part of our Address! Never was a case made out against public men more unanswerable; never was there exhibited on the part of Christian ministers an abuse of discipline less justifiable. In proof of this is your silence! You have not a word to say in defence of your brethren, on a single point raised and discussed in Part II. of the London South Address!

But the subject was too important to be rested on a mere exposure of the perversion of a rule. The question, whether special district meetings had authority to overawe and control, in any cases whatever, the local jurisdiction of the circuits, presented a great constitutional question in Methodism. As we have remarked in our Address (p. 19), "this was the first great and general attempt to systematise and consolidate the *judicial* power of special district meetings in *local* affairs." As this attempt, then, was founded on the rules relating to special district meetings, we deemed it necessary to overturn the "baseless fabric," by collecting and reviewing all the laws of Conference relating to such meetings, with the view of showing that they conveyed no such authority, and conferred no such jurisdiction as had been claimed and exercised at Leeds. The method we took, was to set down, under the several years of their enactment, a true and literal copy of the rules made in each successive year from the commencement of district meetings. To the regulations thus set down under each year, we applied certain universally received rules

of construction, derived from the maxims of the civil law. These rules are nothing more than the collective wisdom and common sense of mankind, expressed in self-evident propositions. They are equally applicable to all laws, civil, ecclesiastical, and municipal. They have been acknowledged and adopted by all civilized nations; and, like the tried proverbs of mankind, have passed current in every age. Under the Conference regulations of each year, we have added a few remarks in application of these simple rules of construction; but these remarks, it will be perceived, except when successively repeated, apply only to the regulations of that particular year under which they are ranged.

Now, we ask whether any course of argument could be more fair and just, more candid and honourable? The reader has the rules before him, and can judge for himself as to their sense and meaning. We did not think it either fair or honourable to pick out detached sentences from the rules, and interpolate them in our text, that they might carry with them some particular gloss which might serve our purpose better than the rule itself. In every case we have given the rule entire and distinct. Our own remarks we have confined to separate paragraphs; and have left them to stand or fall, in the judgment of the reader, according to their own merits. Here, then, there is no attack upon Methodism; nor upon the Conference; nor on the laws of the Connexion. We take the laws relating to special district meetings as we find them. We have no quarrel with them whatever; we inquire not into their validity, their propriety, or fitness. Our whole question is simply one of construction,—What do these laws mean? What authority do they convey? Any general argument on the policy or tendencies of these laws is employed by us only in relation to your construction. Yet to read your book, one must really suppose that there exists, in this circuit, a party who are seeking, by dark and disingenuous methods, to overturn the system and destroy Methodism! It is your studied purpose to fix this impression on the minds of your readers! You do not merely insinuate this from page to page, but there are passages in which it is directly asserted. We shall not stop to refute so base a slander, nor to inquire how you could stoop to retail it. Our knowledge of the character of your party, and the abusive resolutions, both of the Leeds Special District Meeting and of the late Conference, led us to expect that we should be treated as the off-scouring of all things. But we undertook all these labours, and have braved all this contumely and reproach in defence of the liberties of the Methodist Connexion. We saw and felt, as thousands of others at this moment do, that it was high time to make a stand, and to give a check to your encroachments; and notwithstanding the great anxiety of yourself and your brethren to give out, that with the most intelligent and chartered members of the body, our address and resolutions “meet a most unequivocal condemnation;”* yet, under this sickly

* This empty boast, that all “the most intelligent and chartered members” are enlisted in your train, forcibly reminds us of the following passage from Lord Bacon:—

“The church never wanted a kind of persons which love the salutation of Rabbi, master; not in ceremony or compliment, but in an inward authority which they seek over men’s minds, in drawing them to depend upon their opinions, and to seek knowledge at their lips. These men are the true successors of Diotrophes, the lover of pre-eminence. Such spirits do light upon another sort of natures, which do adhere to these men; ‘quorum gloria in obsequio;’ stiff followers, and such as zeal marvellously for those whom they have chosen for their

colouring, there is an uneasy soreness which betrays the truth. Do these intelligent and charactered members approve the Leeds business? Have several of the first and most important circuits, who have as yet taken no part in the discussions, been backward to express their opinion on this case, when it has been proposed at their quarterly meetings to invite to their circuits preachers who figured most conspicuously in the Leeds business? We aver, that amongst your most zealous friends, who, in compassion to you, would have us be silent, we have not met with one who would undertake to defend you through all the parts of that case. Neither, when disabused of your sophistries, will they by any means admit the principles on which you found the new jurisdiction and powers of special district meetings. It requires time, however, before so large a body of people can be brought to examine the character, and estimate the tendencies of a new principle. The multitude are ever moved less by reason and reflection, than by passion and feeling. The other circuits, as at Leeds, will pronounce correctly upon your new system, so soon as they shall have experienced its operation. A few more special district meetings, interfering with local affairs, would do all that is required. If we desired the overthrow of the Conference, as you seem to intimate, we could wish nothing more than that you should go on, and carry into practical effect the principles which you have laid down. It required six years after Mr. Wesley's death to rouse the Connexion to the assertion of their liberties; but, if you would not be quite so sparing of your labours in this way, if you would be so kind as to assist us with a few more displays of your newly assumed powers, it would not require half that time to induce the Connexion to resume those liberties. In the meantime, we await the issue with but one feeling of apprehension, which we have expressed in the conclusion of our Address to the Conference, viz., that when the crisis comes, and the long obstructed torrent bursts, it may sweep away more than we should wish to see destroyed. As, however, you are the authors of that "root of bitterness" which has sprung up in the Connexion, so you must bear the responsibility and the blame! No apprehension of consequences, which may by possibility result from your obstinate and pertinacious adherence to your novel, unscriptural, and anti-Methodistical claims, will deter reasonable and intelligent men from asserting their own rights, and defending the liberties of the church! Our own circuit we have protected by our seventh resolution, and as to our characters and proceedings, we commend them to the judgment of the Methodist Connexion. That Connexion alone can be the judges; for, notwithstanding you are fond of an appeal to the Methodist Conference, as to an immaculate tribunal, yet we must remind you, that in this case the Conference is strongly interested and deeply committed. The clergy have ever thought it a fine thing, both to legislate and to decide judicially on their own claims and pretensions. But this will hardly go down in the present day. The Leeds case is a sufficient illustration of the folly and injustice of permitting the Conference to annex to their *ministerial* authority, not only a *legislative*, but also a *judicial*

masters. This latter sort, for the most part, are men of young years and superficial understanding, carried away with partial respect of persons, or with the enticing appearance of godly names and pretences; 'Pauci res ipsas sequuntur, plures nomina rerum, plurimi nomina magistrorum,' 'few follow the things themselves, more the names of the things, and most the names of their masters.'—Works, vol. ii. p. 492.

power over the people; we have denied the existence of such an authority in the Conference; and we have rested that denial, not on speculative grounds, but on the *fundamental* laws of the Connexion. In thus appealing to the judgment of the public, we find our own construction of those laws so strengthened and confirmed by your very tortuous, crooked, and perverse attempts to overturn it, that we can have no fears as to the result.

VI.

VII. As introductory to our review of the rules of Conference relative to special district meetings, and as furnishing an important, but by no means an essential or necessary, evidence of their true import or design, we stated two facts, which we did suppose no man would have attempted to deny or controvert, in the face of the Methodist Connexion. Having remarked that district meetings, *ordinary* as well as *special*, were unknown to the Connexion during Mr. Wesley's life; that for nearly fifty years after the commencement of Methodism they had no existence; and that, during this period, leaders' meetings, local preachers' meetings, and quarterly meetings, had become universally established and acknowledged;—remarks which you do not attempt to question;—we go on to state,—“During this period, the judicial power of the Conference had been limited and confined (according to the 8th Article of the Deed of Declaration of the 28th of February, 1784, by which Mr. Wesley defined the powers of the Conference) to the trial and expulsion of *members of the Conference admitted into Connexion, or upon trial*. They had never presumed, nor been allowed, to cite at their bar the local officers and members of society; such a citation was never heard of; nor can it be believed, that at this period any leaders' meeting would have lent its authority to compel any of its members to appear, and answer charges, before either the Conference or a special district meeting. The leaders' meetings always retained in their own hands the inalienable right of the church to try its own members; a right distinctly recognised in the New Testament, and uniformly exercised in the primitive church. The Conference has the same right *as to its own members, but not being of itself a church*, it could not pretend to the right of trying the members of any church.”

The bare mention of the two facts, that the judicial power of the Conference had been limited to its own members, and that the leaders' meeting had always retained the right of trying their own members, appears to move you from all your propriety; and you cast about the symbols of your wrath to an excess which is somewhat ludicrous! It was necessary to get over these two facts in one way or another; and, therefore, we have, in the first place, a string of epithets, and a world of abuse, highly befitting the subject and the occasion! But now for the argument. Let us hear what you have to oppose to these equally culpable assertions. Transposing the order of our facts, you tell us, “The writer of your Address either knew, or ought to have known, that Mr. Wesley and the superintendents after him, although they took counsel of others, as wishing only to employ their power righteously, yet had the power, and often exercised it, to admit, expel, and remove from office, without any reference to such meetings at all.” This is so much broad assertion; but in stating the fact, we challenged the production of some authority. It is clear you have none to produce: no case which you can cite. Here, then, you are

answered ; for our assertion is as good as yours. It is, indeed, much better ; for we assert nothing “ without proof ; ” “ for we would not follow so bad an example ” as you have set us. Take, then, the proof of our assertion :—

“ The preachers have EVER appointed leaders, chosen stewards, and admitted members into, and expelled them from, the society, *consulting their brethren, the leaders, and stewards.* ”—*Minutes of Conference*, 1794, 8vo edit., vol. i. p. 299.

“ It has been our *general custom* NEVER to appoint or remove a leader or steward, *without first consulting the leaders* and stewards of the society, and we are resolved to walk by the same rule.”—Addenda to the Plan of Pacification—*Minutes of Conference*, 1795, vol. i. p. 325.

What now, we ask, are we to think when, in the teeth of the above declarations of successive Conferences, you gravely tell us that we ought to have known that Mr. Wesley and the superintendents after him exercised this power of admission and expulsion, “ *without any reference to such meetings at all* ” !!! Can we be any longer surprised that we should have been loaded with such unmeasured abuse and insult ? When fact and argument fail, and a bad cause is to be upheld by bold assurance and hardy assertion, the advocates of truth must expect to suffer for its sake !

Observe, again, that both the above citations occur in the Minutes of Conference held previous to 1797 ; and yet you have the face to tell us, “ no such right was ever given to the meetings before 1797 ! ” Nay, this power in superintendents was the point complained of when what you call the Constitution was settled, as appears from so many plain words which no one can mistake ; and was the very thing conceded by the Conference to those local meetings *for the first time !* ” Where are the plain words which no one can mistake ? We asserted that the leaders “ *always* ” retained this right. The Conference declare they have “ *ever* ” consulted—that it has been their custom “ NEVER ” to appoint, to remove, &c., without first consulting, &c. Did you ever read the Plan of Pacification ? We ask this question because, if you had carefully read that document yourself (which may be doubted), and did not implicitly follow some unfaithful guide (which we fear), you must have seen, “ that the right which you say was first given to leaders’ meetings in 1797, ” was not, indeed, then “ conceded by the Conference *for the first time*, ” but that two years before it had been acknowledged by the Conference to have *ever* existed in those meetings, by “ *general custom*, and *never* departed from. ” We have borrowed your style and language on this occasion, to show you how ridiculous it is to affect to treat men as children because you cannot answer them. But you were not ignorant, that in attempting to shake the main fact stated by us, you attempted to befool the understandings of your readers, and to overturn the existing practice and established usage of Methodism “ *from the beginning.* ” You know very well, not only that Mr. Wesley, and the superintendents after him, constantly referred to and consulted the leaders’ meeting on all such matters ; but that the consultation was not a mockery of civility and courtesy, but a direct appeal to the sense and judgment of these meetings, who decided the matter by an effective vote. You knew that the point complained of in 1797 was not this pretended power of the superintendent, which in fact never existed ; but it was that certain “ heady and opinionated men ” (we thank you for your vocabulary of terms),

amongst the preachers, began then to question the right of the leaders meeting in this matter, and to set up those claims to spiritual power and authority, which "the giants" of 1795 and 1797 indignantly rejected, but which you have again the hardihood to revive and enforce. If, as you tell us, Mr. Wesley, and the superintendent after him, thus acknowledged leaders' meetings, "as wishing only to employ their power righteously," how can you avoid the just inference, that your very great anxiety to get rid of this right, can only be "as wishing to employ your power *unrighteously*!"

But there is a deeper "sophistry" couched in this denial of the right of leaders' meetings, which we must not omit to mention. Of the power of Mr. Wesley and the superintendents after him, we shall probably treat hereafter. But Mr. Wesley and the superintendents, when they exercised this power, were then present with the society, as its acknowledged ministers or pastors. Here, then, you have nimbly skipped on one side to avoid the question, instead of meeting it. That question relates not to what a minister may do in a congregation or society over which he has a special charge; but to the right of a corporation, like the Conference, or a district meeting, to interfere between the minister and his flock. The Conference was in full power under the Deed of 1784, for some years before the death of Mr. Wesley. Did they ever pretend to the right of stepping in betwixt him, or the superintendent, and the local authorities, during the intervals of their annual meeting? And why have you omitted all notice of our three remaining propositions: that this right of the church to try its own members is distinctly recognised in the New Testament; that it was uniformly exercised in the primitive church; and that the Conference, not being a church, could not pretend to the right of trying the members of any church? "How disingenuous, then, in the face of so clear a fact (a fact supported by uniform practice in Methodism, and fully admitted by several Conferences), to assert the contrary, in order to bolster up a futile argument!"

On the remaining fact stated by us, we have still nothing better than broad assertion and abuse, without a shadow of proof; and an argument (if argument it may be called) still more ridiculous. We copy the passage literally. "Equally culpable is the assertion, 'that, during this period, the judicial power of the Conference itself had been *limited* and *confined*' (according to the eighth article of the Deed of Declaration of 1784, by which Mr. Wesley defined the powers of the Conference) to the trial and expulsion of members of the Conference, admitted into connexion, or received on trial.' Now, to '*define*,' is truly understood by your Address-writer to mean, to '*limit* or '*confine*;' but in this article of the Deed there is no act of *limitation*. It is a clause to give power, not to define power. 'The Conference *shall* and *may* expel and put out any member thereof,' &c. The clause has nothing therefore to do with the question."—Watson, p. 24.

There could be no necessity to tell us that the English language is truly understood by our Address-writer; but if you had as truly understood the law of *ellipsis*, and the rule of syntax, which connects the relative with its antecedent, you could not have added "to *define*, is truly understood to mean, to limit or confine, but in this article of the Deed there is no act of limitation." You would have seen in a moment, that the antecedent of the relative "which," was "Deed of Declaration," and not the "eighth article" of that Deed; and that the plain grammatical structure of the sentence was, "according to the eighth article

of the Deed of Declaration, by which *deed* (not by which *article*) Mr. Wesley *defined* the powers of the Conference." The argument is, that during the long period alluded to, the judicial power of the Conference had, in *fact* and *practice*, been limited and confined to their own members, and that this practice agreed with the power given them in the eighth article of the Deed of Declaration.

But the defects of early education, even in men who acquire studious habits in after life, extend much beyond occasional blunders in grammar. It is by early discipline alone that the mind acquires that precision of thought and distinctness of ideas which distinguish the scholar; and while they adorn the pages of the classic writer, enable him both to adorn and instruct his country and his age. Here, then, we are mortified to perceive that your coin is counterfeit, and that the tinsel falls off on a single touch. We can assure you, that notwithstanding the gross abuse of your pamphlet, notwithstanding you have called in question, not merely our fairness and honesty, but even our sagacity and common sense, and have officiously undertaken "to correct our vanity;" yet it is with pain that we allude to defects, which constitute, probably, rather your misfortune than your fault. But self-defence is a duty, and truth requires that, in an important argument, a glaring fallacy should not be overlooked. Take, then, as a specimen, of which your book would furnish not a few, the description you have given of this eighth article of the Deed of Declaration. You say, "it is a clause to give power, not to define power." Now, it would be hardly necessary to remind any one else, that power given by deed or grant, does not signify *physical* power. It simply means *authority*. But what distinct notion can be formed of a grant of authority which is not defined? Suppose you call your servant, and say to him, "John, I give you authority," without defining that authority in relation either to its subject or its object. Will he not inquire, "Authority, Sir! what to do?" You rejoin: "It is enough that I give you authority, I condescend not to define that authority; begone, and put it in force!" All this might appear very wonderful, and, if conveyed with your wonted gravity, very astounding to the poor fellow. But pray how much authority do you think he would carry away with him? It is a maxim, with which you are evidently not acquainted, that "in order to give power you must define it; and where authority is not defined, none is given." The want of distinct ideas, arising from the defect we have mentioned, has led you into an absurdity which this maxim was designed to correct.

What is still more extraordinary and confused is, that in proof of your singular position, that "in this article of the Deed there is no act of limitation; it is a clause to give power, not to define power;" you immediately quote the language of the clause in which the power given is both limited and defined! Thus your proof flatly contradicts your argument! "The Conference shall and may expel and put out (here is the definition of the authority) any member thereof" (here is the limitation of the power). The authority then given by this clause is expressly (yes, *expressly too!*—Watson, p. 26) defined, as to its subject, to be the trial of preachers; and it is as expressly limited, as to its objects, to the members of the Conference.

We are, however, agreeably surprised to find that all this singular logic results in the following very candid admission:—"No one need be told that the Conference never did try leaders and members before its own bar, but before the meetings it has appointed for that purpose."

Strip this sentence of its wayward phraseology, and it concedes the whole question at issue. The fact stated by us related to the long period in early Methodism during which district meetings had no existence. The meetings here referred to, as appointed to try leaders and members, can therefore be none other than the leaders' meetings. Here, then, is a plain and direct admission of the very fact you profess to combat. Satisfied with this admission, we shall not quarrel with you about words and phantasies. If it had been your humour to assert the right of the Emperor of China to try our leaders and members, the conceit would only have amused us, provided it had been followed by the admission, that he tried them, not at his own bar, but before the proper Methodistical meetings. We must remark, however, that it is certainly a new conceit in Methodism to assert, that leaders' meetings are the representatives of the Conference, "appointed by it for the trial of leaders and members." They unquestionably appeared in a different character in 1797, and were then recognised as the representatives of the people. In the Plan of Pacification they are regarded as "best qualified to give the sense" and "to testify the wish of the people;" and so far from regarding themselves as the agents of the Conference in 1797, they then set up their claim to this very right of trying their own members, not on behalf of, but in direct opposition to the Conference; and this right, thus claimed, the Conference fully conceded them. But you seem to look back wistfully at "olden time," and struggling hard to revive the absolute system, we are all to be treated as the vassals of the Conference! Notwithstanding the above admission, therefore, you proceed,—

"But that the Conference always had the power, appears from its having exercised it in former times, without any one dreaming that it went beyond its authority." Here again is broad assertion; but when, where, did the Conference exercise these powers? You have just told us, that the Conference never did try leaders and members at its own bar; and you do not attempt to show that even district meetings, after their establishment in 1791, ever exercised that power; you refer not to a single case; nay, at page 19, you ask us, "Did you ever know your officers or members tried, suspended, or expelled by the Conference, by a district meeting, or even by a superintendent, since 1797, on his own authority?" And you emphatically reply, "You never did!" Will you have the goodness to reconcile this alleged exercise of power with this positive denial of it? Where are your authorities? We repeat the question:—When, where, and through whom were these powers exercised by the Conference in former times? Certainly the men of 1795 and 1797 were no dreamers; when special district meetings attempted, in their day, to exercise such a power, they rose up manfully, and put down the dangerous encroachment! But you persist, that the Conference always had this power,—

"From the very nature of its relation to the Societies as vested, by common interest, with the government of the whole body." A very pretty argument, from which you may readily deduce any right, power, or pretension, which you may choose to set up against the liberties of the Connexion! What is there that a *common*, that is an *absolute*, government may not do? But, alas! the men of 1797 consented to no such thing. They demanded, and obtained from the Conference, the largest "sacrifices, in respect to authority, on the part of the whole body of travelling preachers;" nay, what is still more

direct, this Conference declare, "Thus, brethren, we have given up the greatest part of our *executive government* into your hands, as represented in your different public meetings."—Minutes, vol. i. p. 376, 1797. Was this investing the Conference, "by *common consent*, with the government of the whole body?" We really are ashamed to be compelled to go on, before other churches and the world, exposing these sad perversions and tergiversations of a Methodist preacher! Government must be according to law; and law, to be of any avail, must be stronger than the passions of men in office.* The government of this nation has a relation to the whole body of the people. But what ministry would dare to interfere with the jurisdiction of the courts of judicature, or with the sacred right of trial by jury? Equally dangerous to the power of the Conference will be a continued interference, by special district meetings, with the local jurisdictions of the circuits!

"———", also from the constitution of 1797, where it delegates its own powers to its president, to the chairman of the districts, and to the district committees to interfere in such cases, and to execute the laws." Was ever effrontery carried further? There is not a word or a hint of any such delegation of power, in any part of the Constitution of 1797! All the phrases you have quoted, are from the Miscellaneous Regulations of 1797, which have no more to do with "the Constitution of 1797," than any other act of the same Conference, with which the delegates of that year had no concern! Whether these Miscellaneous Regulations contain any such delegation of power to interfere with the local jurisdictions; that is, whether they contradict and overturn the Concessions and Code of Laws of that year, is the question at issue, to which we shall presently return; but, in asserting any such delegation of power as above, you do but "beg the question," in order to establish a breach of faith on the part of the Conference of 1797.

The two introductory facts, then, stated by us remain untouched. They relate not to district meetings, for they had then no existence; and this shows the folly of your last argument from the Constitution of 1797, which cannot apply to the period of which we spake. But "the Conference," as you tell us, "never did try leaders and members before its own bar." It had no such jurisdiction, nor any pretensions to this power; but, as the Conference of 1794 and 1795 affirm, "It has always been the *general custom never* to appoint or remove a leader or steward, without first consulting the leaders and stewards." The leaders' meeting always retained in their own hands the inalienable right of the church to try its own members! Under these circumstances, you very properly wind up this diatribe of "paltry sophistry," by admitting "that triad of principles, in the seventh page of our Address, by the magical touch of which," we have dragged your "darkness into day" (we correct a transposition into which your petulance has betrayed you). The Conference never did possess such power; such power it could not therefore delegate; and, by consequence, there can be no question of doubtful application, and your artful construction of the Miscellaneous Regulations of 1797 must give place to a construction more conformable to the Constitution, that is, to the Concessions and Code of Laws of that year.

VIII. Our attention is now more particularly due to this attempt,

* "Imperia legum potentiora quam hominum."—Liv. l. i. c. 2.

on your part, to blend and confound the Miscellaneous Regulations of 1797, relating to district meetings, with the Constitution, that is, "the Concessions and Code of Laws" of that year.

Commenting on these Miscellaneous Regulations, and after quoting the fourth of them you remark, "Now this you call 'the Constitution of 1797,' which, you say in your resolutions, it is the object of your Address to maintain. But you blow hot and cold in this matter; for instead of 'maintaining' this Constitution, you reject everything in it which does not please you; and you set up a principle in direct opposition, not to its spirit only, but to its very letter." "If you really wish constitutional Methodism, here it is in the Minutes of 1795 and 1797: but you spurn it, and yet say you wish to maintain Methodism! It would have been much more honest to have said, 'We want a new constitution for Methodism,' which is the fact."—Watson, p. 17, 18.

Omitting a great deal of mere abuse, we have quoted the above passages, because, when we suspect a man, we always think it an advantage to hear him talk. And now allow us to inquire, 1. Is this 4th of the Miscellaneous Regulations a *constitutional* regulation? Is it a regulation at all; or is it a mere recommendation by the Conference to the superintendent? 2. When and where did we ever call these Miscellaneous Regulations of 1797 "the *Constitution* of 1797?" how came you to venture on this assertion? 3. In what part, either of our Address or resolutions, have we spurned either the Constitution, or the Miscellaneous Regulations of 1797? You were perfectly aware, when you wrote this deceptive paragraph, that we spurned nothing but your novel and interested construction of these regulations! Whether the principle we have laid down be opposed to the Constitution of 1797, or only to your construction, is the question at issue, the decision of which must not be left to your modesty and virtue? 4. On your last assertion, that "we want a new constitution for Methodism," after the solemn declarations of the circuit to the contrary, we can bestow nothing but contempt.

We must now beg leave to tell you that nothing can be admitted as belonging to the Constitution of 1797, which did not pass in treaty between the delegates of that year and the Conference. Did these Miscellaneous Regulations so pass? Were they ever introduced or read in the Committee of Delegates, until after they had been actually passed into law by the Conference? The third of these regulations, and the third *only*, appears then, indeed, to have been communicated to the delegates in answer to a question on the case at Bristol. In that case, the societies had been divided, and each party was headed by preachers. This, then, was a case with which the local authorities could not deal, because they had no jurisdiction over these preachers. The preachers, who thus headed the several parties at Bristol, were amongst the oldest and most influential preachers in the Connexion; and the Plan of Pacification had not contemplated such a division amongst the *preachers*, as, in fact, in that particular case, frustrated its execution. We forbear to mention names, but between such parties, it was justly apprehended that the district meeting itself might have great difficulty in deciding. This accounts for the rule for strengthening the district meeting, by calling in three of the nearest superintendents. But, from the fact that the delegates recorded on their minutes the communication of this third regulation only, and make no mention of the others, it should seem, that the others were not communicated to them at all. This, we believe, is generally

admitted to have been the fact, and it is more than probable, from the nature of most of these regulations. The fifth, for instance, relates to the election of the chairman of districts, by ballot of the Conference. Was this a matter of treaty between the Conference and the delegates? These Miscellaneous Regulations, moreover, relate not merely to district meetings, but to "the book concerns," and other matters, with which the delegates had nothing to do. Did the Conference, then, *ex gratia* and unasked, submit these concerns, over which they have ever manifested a peculiar jealousy, to the consideration of the delegates? You are not ignorant that the delegates of 1797 had no hand in either framing or agreeing to those regulations; and which, until perverted by you, were never held or supposed to have any relation to the people, except as regarded disturbances occasioned in a circuit by a preacher. The more these regulations are examined, in connexion with the situation of the Conference, and the circumstances of the Connexion at that period, the more convincingly will it appear, that their true object was to give to district meetings, on behalf of the Conference, greater power over individual preachers in the intervals between the Conferences. Several preachers had thrown their circuits into utter confusion on the sacrament question; and others had made such displays of their imaginary power and spiritual authority, that the Connexion had been twice roused, and the Conference twice compelled to enter into treaty with general meetings of lay delegates. It was necessary to put a stop to these convulsions; not by overbearing and beating down the local meetings, as at Leeds, but by empowering the President, in conjunction with the district, to deal summarily with these turbulent preachers, and "to redress the grievances" of the people, before it should be necessary to call into operation the Plan of Pacification. But all this was the act of the Conference, for its own preservation, and not the Constitution of 1797; and therefore, as we have before observed, these Miscellaneous Regulations relating to districts, appeared only in the Large Minutes, for the government of the preachers; and were never, in any way whatever, connected with the Concessions and Code of Laws for the government of the people. We are acquainted with some of those who were engaged in the treaty of 1797, and who regard this attempt to foist in these Miscellaneous Regulations as a part of the Constitutions of that year, as one of the most disreputable efforts!

The Constitution of 1797, as we have already explained, consists of the stipulations or concessions, contained in the printed circular, addressed by the Conference to the Societies, dated Leeds, August 7th, 1797; and of the collection or code of laws therein referred to, and which was "*voluntarily and in good faith*," signed by 145 preachers present at the Conference, "*as approving of and engaging to comply therewith*."—The printed circular concludes with the following paragraph:—"We have represented these measures, which we have taken for your satisfaction, in as concise a manner as we well could, giving you the sense of *the whole*, not only for brevity's sake, but for expedition; that you may be informed of the general heads of our proceedings as soon as possible. In the regulations,* which

* Our attention has just been directed to a passage in Mr. Beecham's Essay on the Constitution of Wesleyan Methodism; in which, quoting this passage, he tells us, page 58, that the regulations here referred to, as containing "the whole at large," are the Miscellaneous Regulations; and that these regulations "are the

will be published *with the Rules of the Society as mentioned above*, you will have the *whole at large*." Accordingly, this CODE OF LAWS, containing "*the whole—the whole at large*," all that we call "*the Constitution of 1797*," was so published *with the Rules of the Society*, shortly after the Conference. But, as you know perfectly well, from beginning to end, either of the Concessions, or the Code of Laws, there is not an allusion to, nor even a hint of the Miscellaneous Regulations. This charter of Methodistical liberty contains not a word nor a syllable about the power of district meetings to interfere in any cases, ordinary or extraordinary, in the affairs of a circuit, or in the trial of local officers and members. On the contrary, the assumed authority of special district meetings, which had constituted one of the chief grounds of complaint, was most anxiously disclaimed by the Conference in those Concession. "Such have been the sacrifices we have made," say they, "that our district committees have hardly any authority remaining." Nay, so very objectionable was this power in that day, that the Conference thought it necessary to remind the societies that, even *in the trial of preachers*, they might, "according to the Plan of Pacification, in every instance in which the trustees, leaders, and stewards chose to interfere, supersede, in a great measure, the regular district committees;" and which implies, that if the trustees, leaders, and stewards did not think it necessary to interfere, then the district committee would themselves deal with the accused preacher, according to the powers entrusted to them in these Miscellaneous and other former Regulations. In the absence of such interference, the trial of preachers was the proper duty and business of these district committees; but as to the trial of local officers and members, their assumed power in this respect was clearly, and without

things to which the Conference refers, as completing the arrangements which it had made." A moment's reflection refutes this error. 1. The Conference say, "*in the Regulations which will be published with the Rules of the Society, as above mentioned, you will have the whole at large*." Now, *above* they had not *mentioned* the Miscellaneous Regulations at all; but they had stated their determination, "that all the rules which relate to the societies, leaders, stewards, local preachers, trustees, and quarterly meetings [being the rules so 'carefully revised' and subscribed by them], should be published with the Rules of the Society, for the benefit and convenience of all the members." 2. They were to be published *with the Rules of the Society*. The Miscellaneous Regulations never were so published: they appeared only in the Minutes of the Conference, and were never connected with the Rules of the Society. 3. But the revised "Collection of Rules or Code of Laws," so far as regarded the people, were actually published *with the Rules of the Society*, shortly after the Conference of 1797, and they still appear thus connected, in our class-books. 4. These Miscellaneous Regulations do not contain the "*whole at large*;" they contain scarcely anything relating to the societies, leaders, stewards, &c. &c., or of the several matters mentioned in the printed circular; but the "Code of Laws," thus published, embodies all the particulars of this circular, with the *additional* matters; and thus contains "*the whole at large*." 5. Lastly, as though to preclude all uncertainty and the possibility of mistake, this article (Art. 6) of the circular, was prefixed to the first and every succeeding edition of the "Code of Laws," with a declaration that the same was published "*in execution thereof*." We do not accuse Mr. Beecham of *intentional* error in thus altogether throwing on one side the Code of Laws, and substituting the Miscellaneous Regulations; but it is one of those blunders which effectually destroy the authority of his book, by proving that he does not understand his subject, and is too careless to be correct. The exposure of this blunder overturns also the main principle of the party, that the Miscellaneous Regulations were contemplated in the Concessions, as the provision for extraordinary cases, with reference to the people.

any exception or reserve, given up and determined by the Concessions and Code of Laws. Here, then, in the Code of Laws thus published with the Rules of the Society, we have, according to the Conference of 1797, and as far as the people are concerned, "the whole—the whole at large!"—"That is all a mistake," quoth the Rev. R. Watson, in 1829! "The most important thing of all, the provision in extraordinary cases, has been quite overlooked! Here is the Constitution of 1797; not in the Concessions or Code of Laws, but in certain Miscellaneous Regulations relating to district meetings. If you really wish constitutional Methodism, here it is, in the Miscellaneous Regulations!" We are told that your book is to pass into law at the next Conference; but remember, Mr. Vevers's principle will not be forgotten, "the Conference itself has not the power to make or promulgate any new law, which shall change or affect the Constitution of Methodism."

IX. We notice, in the next place, another infusion of the genuine spirit of your party. It is the affectation which pervades your whole book, of not being able to understand whether, in objecting to this usurped and oppressive jurisdiction of special district meetings, we intend also to oppose their proper and constitutional authority, under the Plan of Pacification and the Regulations of 1797. If there be one point plainer than another in the London South Address, it is this very point, propounded in the first sentence of Part I. of that Address—viz., "That travelling preachers alone are, by the present constitution of Methodism, amenable to special district meetings," &c. In commenting on the rules on this subject, we not only incessantly point out this proper and lawful jurisdiction, but we emphatically quote the rules in *italics*, to draw attention to it. (See London South Address, p. 6.) Nay, it is the gist of our argument, that the object of these rules was to establish this jurisdiction, and not the one for which you contend. We have not space for quotation, but let the reader turn to the concluding paragraph of Part I., and to the summary of our arguments on the Rule of 1796, given in p. 13, 14 of our Address to the Conference.

Mistake, then, on this part of the subject was impossible; and the affectation of it would have been utterly childish and ridiculous, had it not been for the lurking design which it was intended to cover. No man, reading the London South Address, ever did imagine or suspect that we wished to do away with the proper and lawful jurisdiction of special district meetings; and yet, affecting darkness in the face of the sun, you go on to interrogate us, "When you dwell upon the case of a special district meeting interfering to take cognisance of proceedings on the part of leaders, stewards, and local preachers at Leeds, and from that take occasion to exclaim against all such interference with the local affairs of a circuit, did you, my brethren, intend to exclaim against all such interferences of every kind in the affairs of circuits?" You then explain your motive for asking this question: "Because in the Rules of Pacification and the Regulations of 1797, you must have seen that the Plan of Pacification gives to a majority of trustees, or to the majority of the stewards and leaders of any society, the power of calling such [no, not *such*] a special meeting of the district, in order to try any preacher appointed for the circuit, on charges of immorality, [false doctrine,] deficient abilities, or violation of rule; of which meeting the trustees, stewards, and leaders are to be members; so that if the charges are considered to be proved by the majority of that meeting, he may be removed

from the circuit"—"did you then intend to renounce that privilege in your zeal against special district meetings? If you did [you knew we did not], this is in proof that you must have aimed, not at the preservation of Methodism, as settled in 1795 and 1797, but at some quite *new* system, which would have involved greater projects of change than perhaps you were aware of, but which were not unthought of by those who penned your Address and Resolutions."—Watson, p. 15.

To this last sentence, knowing, as you could not but know, that the whole bent and aim of our Address was to point out this proper design and provision of special district meetings, in opposition to "*the novel and unauthorized extension of their jurisdiction*" attempted at Leeds, it were beneath us to offer any reply. Here is, first, an affectation of mistake, where none could be made; next, a wilful perversion of acknowledged truth into hypothetical falsehood; and all this labour of darkness is to make way for a piece of foul and wilful slander! We refer you here to a higher tribunal than that of the Conference—a tribunal which has said, "Thou shalt not bear false witness against thy neighbour!"

The artifice of the above interrogation, several times repeated, is sufficiently apparent. Coming forward in defence of an odious and tyrannical assumption of power on the part of special district meetings, and aware that it will not do to plead for them on any of the facts of the Leeds case, you attempt to borrow a little credit for such meetings, on cases in which it is allowed that they are both useful and necessary. You spread out and detail the advantages of special district meetings in cases which are not questioned, and then, as though all were gained, you surprise the reader with the inquiry,— "Did you, then, intend to renounce that privilege in your zeal against special district meetings? You never could intend to give up this protection to yourselves without some substitute for it?" Alas! the great objection to all this is, its repugnance to that simplicity and sincerity which we expect in a minister of Jesus Christ! You knew very well that we intended nothing of the kind; but that, on the contrary, these provisions of the Plan of Pacification were an essential part of that constitution of Methodism which we were anxious to maintain! You knew this, and therefore you were prepared for the reply; and, with a dexterity becoming the disreputable game you play, in the very next sentence you seek to turn the tables.

"If, however, you did not intend to renounce this privilege, you did not intend to denounce all special district meetings, and all interferences with the local affairs of a circuit!" Admirable discovery! but what next? "You would keep the privilege of using special district meetings to try the cases of preachers, and to remove them; and you disclaim them only when they are called to repress faction and disorder among the people. Brethren, is that fair dealing?—You claim liberty for yourselves, but I pray you on whom do you put the yoke?" Oh! Richard Watson! Richard Watson! in the yoke at last! It is hard work! to be sure; but why did you not explain to the reader this provision of the Plan of Pacification, and contrast it with the constitution, claims, and conduct of the Leeds Special District Meeting, that he might judge of our fair dealing, and of the grievous yoke of which you complain? Why did you not inform him, that when the complaints against a preacher had become so loud and general, as to induce the trustees, leaders, and stewards to rise up against him; and when the case was so clear and conclusive, that the majority of a meeting, in which his

brethren, the preachers of the whole district, would form, in all probability, the more numerous party, were compelled to decide against him ;—yet, after all, the power of this mixed district meeting extended no further than to effect a mere “change of preachers,” by removing the obnoxious preacher from the circuit. If the case be a flagrant one ;—if the question be, whether the offender shall continue a Methodist preacher, all the laymen must instantly withdraw ; and the travelling preachers of the district alone, “shall determine *among themselves* how the removed preacher shall be disposed of till the Conference ; and shall have authority to suspend the said preacher from all public duties till the Conference, *if they judge proper* !” To make the cases parallel, therefore, the special district meeting at Leeds should only have had power to remove a leader from one class to another ; but the question being one of expulsion from office, the travelling preachers ought to have withdrawn altogether, and to have left that question to be determined by the brethren of the accused, the leaders, *among themselves*. This would have been fair dealing, if you please.

Let it not be supposed that we exclaim against the fair principle laid down in the Plan of Pacification. We lay no yoke upon any man. *We think that the highly constitutional principle, that every man shall be tried by his peers, by men of the same rank and station with himself, and which is one of the great bulwarks of British liberty and law, is also just and equitable in Methodism.* We allow it in full to you, and we claim it but partially for ourselves ! Is this fair dealing ? Is this putting a yoke upon you ? What must the reader think when he finds that after a preacher has rendered himself so very obnoxious in a circuit, that neither his brethren of the circuit, nor all the preachers of the district, with all their influence as ministers, and with each a vote, can save him from condemnation ; yet, after all, this convicted preacher can still demand to be tried by his peers, by travelling preachers alone ; and that they have power not only to continue him in his office, but to reward him (possibly for some attack on the liberties of the people) by appointing him to a better circuit than the one from which he is removed ? What, we repeat, must the reader think of your question of fair dealing, when he learns, that in no case can a private member or local officer demand this right of being tried by his peers ; for that in the leaders’ meeting, before which the trial takes place, the superintendent preacher is, *ex officio*, chairman ; and all the travelling preachers of the circuit are entitled to attend and vote ? Can any man suppress a feeling of indignation on discovering that, not satisfied with this immense advantage over the laity, all your whining about fair dealing, and wincing at a pretended yoke, is because we deny your right to pour in a multitude of preachers from the surrounding district, to coerce the decisions of the leaders’ meeting, and to force your arbitrary measures down the throats of the people. This was the case at Leeds !

But we thank you for recalling our attention to the Plan of Pacification. The men of 1795 and 1797, twice roused from their homes, and compelled to assemble from all parts of the kingdom in defence of their liberties, did not leave themselves exposed to this interference of special district meetings. After all these provisions respecting travelling preachers, the eighth and last article under the second head of the Plan of Pacification expressly secures to every local preachers, trustee, steward, and leader, this right of trial by his peers, subject only to the

interference of the travelling preachers of the circuit, and not to those of the district. "If any local preacher, trustee, steward, or leader, shall disturb the peace of the society, &c. the superintendent of the circuit, or the majority of the trustees, stewards, and leaders of the society so disturbed, shall have authority to summon a meeting of the travelling preachers of the circuit, and the trustees, stewards, and leaders of that society. Evidence shall be examined on both sides; and, if the charge be proved, the superintendent preacher shall expel from the society the person so offending." Here is the stipulation of a general right, which every local officer amongst us may claim; but there is no exception, no reservation; no provision for extraordinary emergencies; no stipulation for the intervention of special district meetings; no power given them to take part with the minority against the majority, to declare the former the sound, and the latter the unsound part of the society; to submit new and arbitrary tests to these local meetings, and to enact, that "no leader, &c. shall be allowed to vote, in any trials, or to take part in the administration of our church government, so long as he refuses" these novel and illegal tests. Do you really think that the "GIANTS" of 1795 and 1797, as Mr. Vevvers calls them, would have submitted to these things? The mighty had been fallen indeed, if these things could have been submitted to, even in the present day, without occasioning the most serious division that Methodism has ever known! The same thing will occur again, whenever these despotic claims are set up and acted upon. And this alone is a sufficient proof of the real character, both of the measures and of the party with whom they originated!

X. This subject you resume at p. 19 of your pamphlet, and in a style and manner still more unworthy and deceptive. Repeating our denial of the right of the Conference, or of a district meeting, "to try, suspend, or expel any local officer or member of society," you again affect doubt and uncertainty; and, with wonderful simplicity, inquire, "What do you mean by this?" This question you answer by another,—“Did you ever know your officers or members tried, suspended, or expelled by the Conference, by a district meeting, or even by a superintendent, since 1797, on his own authority?” Now, if you mean to limit this latter inquiry to the London South Circuit, we reply, that we look better after these things, and are in no humour to submit to any such arbitrary proceedings; but if the question be a general one (and certainly you wish it to produce in your favour a general effect), then the emphatic reply which you have yourself given, "You never did!" is utterly false. Such a case we gave you at p. 25 of our Address to the Conference, in which Mr. Grindrod, "on his own authority," and in defiance of the local meeting, suspended Mr. M. Johnson from his office of a local preacher for three months. This was not the only case we might have cited; but it was one with the particulars of which you were fully acquainted when you wrote this fallacious reply. It is, moreover, a case in defence of which you have not a word to urge, notwithstanding we had strongly pressed it against you! What follows this hazardous reply is something worse than childish! "You cannot, therefore, mean that the Conference has set up a claim to displace your ordinary tribunals in the ordinary course of things?" What is left us in the ordinary course of things, we shall see by and by, when we come to examine the principles you have laid down; but what sort of deception is this which lurks under the pronoun "*your*?" "*Your* ordinary tribunals?" The

case out of which this question arose, occurred at Leeds, a place which you name with trembling! Surely, you have not so far calculated on the simplicity, or rather the stupidity of your readers, as to imagine that they cannot distinguish between London and Leeds; or that they will be satisfied with your proof, that no injustice has been done at Leeds, because our ordinary tribunals in London have not been displaced! The ordinary tribunals at Leeds were displaced and broken up by the special district meeting, in the manner stated at p. 18 of our Address to the Conference; another heavy and grievous abuse of power by that meeting, respecting which you deem it prudent to be altogether silent! The Conference, acting under the influence of your party, has unhappily sanctioned this conduct, and thanked the perpetrators of it for their services! In so doing, the Conference has certainly set up a claim to displace *our* ordinary tribunals, and those of every other circuit! Under the same baneful and destructive influence, they resolved that these proceedings were *constitutional* in Methodism, under the regulations of 1797!—a resolution which has more deeply compromised the public character of the Conference, than any other ever passed by that assembly! Whether all this is to be the *ordinary* course of things or not, we cannot tell; not knowing how far the influence and ambition of your party may carry you; but certainly, at present, it does appear to us most *extraordinary*!

As is usual, however, with men once embarked in a desperate cause, you grow bolder as you proceed. “Nay, even in the extraordinary circumstances of the Leeds case, no man was tried by the district meeting, but by the meeting to which, as local preacher or leader, he belonged.” You know better! You know that those regular and lawful meetings had been broken up, and that new meetings had been formed of such members *only* as chose to take the test; and that this was the scheme and law of the special district meeting, enjoined and insisted upon in their printed resolutions! You know that this was done in order that the special district meeting might have no difficulty in effecting their will and pleasure in relation to every trial which took place! You know that nothing which could be fairly and honestly called a trial did, in fact, take place at Leeds. It was all mere mockery! The special district meeting assembled to put out whom they pleased, and to retain whom they pleased. This was the result, practically, as to the individuals expelled; and it was the thing premeditated and designed. All who resisted the will of certain preachers were to be sacrificed; and refusing to submit, they were so sacrificed! And then you come forward, in great *affection* and simplicity, to tell the world, “No man was tried by the special district meeting, but by the meeting to which he belonged!” We ask you, in return, and with much more reason, “What do you mean by this?” The special district meeting either claimed the right to try, or they did not. If they claimed the right, why did they adopt the (in that case) hypocritical farce of a packed and tested leaders’ meeting? If they made no pretension to this right, why did they assemble at Leeds? why regulate the proceedings of the local jurisdictions by their own dictatorial resolutions? and why pour in their own members into the leaders’ meeting, pending these trials, to overawe and control the decisions, to say nothing of the direct interference complained of? Your very great anxiety to persuade us that the district meeting did not try, should seem a sufficient admission

that they had no right to try. Will you hold to this? It is the admission of our whole case! We deny the right of a special district meeting to try local officers or members of society. Are we then agreed? If not, if you still claim the right, why then all this laboured attempt to show that the district meeting did not try and expel the brethren at Leeds? If they had the right, why be so anxious to prove that they did not exercise it? Would any man of common sense argue backwards and forwards in this extraordinary manner, if he had any other object than to blind people's eyes, and befool their understandings? That your book has no other object is evident, for in the very next sentence, coiling like an eel, you begin again to ply us with our denial of the right! And it is not until you have thrust this denial in quadruple form upon our simplicity, that we are favoured with a distinction between *ordinary* and *extraordinary* cases; a distinction nowhere recognised, either in the Plan of Pacification or in the Concessions and Code of Laws of 1797!

"Seeing, then, all *ordinary* cases are out of the question, you must mean to deny that in no (any) *extraordinary* case of any kind, the Conference or a district meeting has any right or power 'to try, suspend, or exclude any local officer or member.' Let us, then, take such a case,—a case of immorality, a case of false doctrine, a case of notorious insubordination to the rules of the body." (Watson, p. 19.) Very well, and now that you have such a case, what follows? Oh, why, "it is clear," say you, "that if the local tribunals did their duty, the offender would be admonished or expelled in the ordinary way, and no interference of Conference or of a district meeting be required. This interference would not, therefore, take place." This is very kind, indeed, and we are happy to hear, that so long as we do our duty, we are not to be visited with this scourge! But do you not think, that it is somewhat impertinent to suppose that the local tribunals would not do their duty in such a case? Do you think it very likely, that respectable and religious men—men attached to Methodism all their lives, as most of our local officers have been,—would wish to associate and take part with heretical, immoral, or lawless individuals? This would certainly be a very extraordinary case; but did you ever know such a case? You deal largely in imaginary cases; but your argument stands very much in need of that kind of support which can be derived only from facts. You, nevertheless, most carefully avoid all appeals to facts! Can it be imagined, that if you had been in possession of a single instance, the circumstances and bearing of which, when examined, would have told in your favour, you would have withheld it? But we shall presently resume this subject. In the meantime, is it not a little too barefaced to propose to rob us of the liberties, so strenuously maintained by our fathers in 1795 and 1797, upon the bare supposition that it is possible that a whole leader's meeting, or the majority thereof, may at some future period renounce Mr. Wesley's doctrines, which they have embraced from heartfelt experience, and so long professed, and yet wish to go on hypocritically professing themselves Wesleyans? To the local preachers this argument can hardly apply; because, as you tell us, "the chapels are secured to those who love the doctrines which only can be preached in them." Are we to suppose, then, that these men would wish to go on preaching and teaching Mr. Wesley's doctrines, which they no longer believed? If you can suppose any individual so insane as to act thus, can you believe it of the majority of the leaders and

local preachers of a circuit? Again, is it not rather too much to put the whole Connexion under the surveillance of this new-fangled and tyrannical police, on the mere presumption that it is possible that the majority of the leaders and local preachers of a circuit will, all at once, and by compact and agreement, cast off all the restraints of character and decency, and become Sabbath-breakers, swearers, drunkards, liars, thieves, and immoral persons, or that they should wish to associate with and protect individuals of this description after proof and conviction! Lastly, after embracing Methodism ourselves, and training up our children within her pale, on the express terms of the treaties of 1795 and 1797; after investing, as many of us have done, our property in her chapels and institutions; after becoming, as many of us now are, responsible for an enormous amount of chapel debts (the bane of the Connexion, and the true foundation of your presumption); in short, after devoting all our energies, and many of us a long life, in incessant endeavours to support and extend a system, which (if it can be preserved against your underminings) we still believe to be better qualified than any other to spread the Redeemer's kingdom; are we now to be told, that all these treaties are to be given up—that it is expedient and necessary that all faith should be violated, and that we and our children should bow down our necks to this absolute government of the Conference, as exercised by special district meetings—the very thing which the men of 1795 and 1797 refused to acknowledge; and all, forsooth, because it is apprehended that it is possible that, at some future period, such a thing may happen as never yet did happen, to wit, that the great majority of a circuit may suddenly abandon all that is dear to them, and all at once break out into notorious insubordination to the rules of the body to which they are so strongly attached; and that, simultaneously, and without any assignable cause, they may wish suddenly to overturn that system, to which they have pledged themselves in heart, in hand, in property, in character, and in all that is dear to man? The government which can proceed to legislate on such principles as these ought to renounce its connexion, not only with the Christian church, but with the civilised world! We are persuaded this is not the character of the Methodist Conference. They will, ere long, we cannot but believe, see through your party; and will cast off an incubus, as disgraceful to themselves as it is detrimental and ruinous to the Connexion.

XI. In the preliminary part of your book, whilst paving your way to these monstrous absurdities, you inform us that we are not “sufficiently aware of the *necessity* of maintaining such a power of remedial interference!” Indeed, after carefully considering this question, and with all the aid of your sophistry (for it is not reason), we must still say, that so far from discovering any “necessity” for this power, we are the more convinced that it is the most dangerous and destructive power which, in a Connexion like ours, could be entrusted to your hands! The predilection of Methodism in favour of a system wholly itinerant has gone far to render you independent of the church. To talk of your responsibility to Conference, that is, to one another,—of the right of the people to appeal to the Conference, that is, to those who are responsible only to themselves, is gross deception! Does Methodism furnish her societies with any direct means of calling her Conference or a district meeting to account? Is there, in fact, any check on the Conference or on a district meeting, save that of public opinion; or any remedy, save that of disruption?

Had the Leeds brethren—so wrongfully expelled, and so shamefully treated, that a thousand members on the spot, and some of them the most enlightened and intelligent persons in the circuit, chose voluntarily to share their reproach and their wrongs, rather than submit to such treatment,—had these brethren, we ask, any remedy against either the district meeting or the Conference? And has this circuit, at this moment, any means whatever of protecting itself against similar treatment, save that which it has provided for itself by the resolutions of the 23rd September last?

We appeal, then, to all men of sense and experience, whether there can be either propriety or safety in granting you the powers which you have so unwarrantably assumed and so unrighteously exercised. Upon what principle, we ask, are the circuits and societies to be abandoned to the violence of a Conference faction, who would first impose organs and liturgies on them, not only against their consent, but in defiance of the most solemn laws and treaties; and then rend them in pieces for daring to complain? Has the church, has her local presbytery, no interest in the members of her community? Is Methodism the fruit of your labours exclusively or principally? Does God work by you alone in saving men? How many pious and faithful leaders and local preachers had spent their strength in gathering the souls thus cut off at Leeds! How incessantly and how painfully had they watched over them and preserved them for years! And do you now come forward, and demand of the church to surrender into your hands *exclusively* a weapon by which you may cut off her members by the thousand at a stroke, and that simply for non-submission to your high authority, in matters where neither faith nor morals are concerned? Do you make this imperious demand in the same breath with which you spurn all responsibility to the church; and preach up the Conference as the supreme and absolute authority? All this may appear very reasonable and “necessary” to you and to your party; but surely it is not the modest men,—not the men distinguished for meekness and humility, for faith and piety, in the Conference, who claim this irresponsible power over the church! These latter are not heard to talk, as you do, of “compelling obedience by the force of their authority,” and of their “power to rule the church for its edification!” It must be a very different, and we hope a very limited, class of men, who, overlooking the labours of local preachers and leaders, and of their more humble and heavenly-minded brethren in the Conference, can so far fancy themselves sole lords of the inheritance, as to prefer these demands in the face of the Connexion! Men whose souls are not fired with the same unworthy ambition to rule the church,—men whose ambition reaches higher, and aims at a recompense of reward for turning many to righteousness, cannot surely stand up for the necessity of thus converting the church into a Gentile lordship! You, of course, do not intend any wrong; you are no advocates for arbitrary dealings; you only want the power “for edification;” but you would be shocked at the bare thought of the possibility of your ever abusing it! And who, indeed, could suspect that so good and excellent a man as Mr. Evangelist would ever do any harm to his neighbour?

Your argument in support of the *necessity* of this pretended right of interference, like every other argument in your book, was not to be deduced from fact and experience. You are constrained to admit, in the outset, that “the Connexion, by the blessing of God, has been

for several years past in great peace; the discipline of the body being carried generally into effect, by the united efforts of preachers and leaders. False doctrines have seldom sprung up; immorality has not been winked at; and the prevalent desire has been, not to innovate upon our discipline, but to maintain it." This you admit on behalf of the people, and we wish you could say as much on behalf of the Conference and of special district meetings; but, at any rate there is nothing in all this to show us the *necessity* of your breaking faith with the Constitution of 1797, by the introduction of your new remedial power! "But," you ask, "will any thinking man assume as the basis of an argument on a question of government, that this will always be the case? There have been a sufficient number of cases to show how necessary and beneficial such a power of interposition is [why did you not produce ONE!]; and had there been none at all, since 'it must needs be that offences will come,' are you acting considerably to advocate a principle that would shut out the right of such interference?" It is difficult to avoid treating this question as it deserves. Individual cases, of course, are out of the question; they can be dealt with in the ordinary way. The case is that of a whole circuit, or the majority of the leaders, local preachers, trustees, and stewards, becoming suddenly corrupt in doctrine, morals, or discipline. and we are asked whether any thinking man will found an argument on a question of government, without assuming for its basis so great an absurdity! But we wish to be serious, and therefore we proceed with the quotation: "Some of our societies, with their leaders and local preachers, have, in times past, been infected with Arianism, and Socinianism, and Universalism." Was this the case at Leeds? "Others have been disposed to wink at certain forms of Sabbath-breaking, as smuggling, and other immoralities." Do you speak of Leeds? "Others have been inducted into views of church government, opposed to the first principles of that under which we—live," &c. Still nothing about the necessity at Leeds! So, then, there was no *necessity* for this kind of interference at Leeds, and all that was done there was unnecessary! Is it not rather cruel thus to leave the Leeds Special District Meeting in the lurch? Why do you stop short with your imaginary cases? Why not include one, at least, so recently supported by fact? Why did you not add, "Others have rebelled against the superintendent and the Conference, for overturning the lawful decisions of the leaders' meeting relative to organs, and for suspending their local officers in defiance of the local jurisdictions, and have proved so factious as to allege, against these acts of the Conference and the superintendent, the principle of the Plan of Pacifications and the Concessions and Codes of Laws of 1797!" This would have been a famous case whereon to found your alleged necessity of remedial interference. It is the greater pity that you should have overlooked it, because, as we apprehend, it is the only case on which you can hope to succeed with your argument.

Abandoning the Leeds case, however, you tell us that all the other cases which you state have happened; we presume, therefore, that they are parallel cases, and were all settled by the interference of a special district meeting, as at Leeds. If not, how, then, does the necessity for such interference appear? But when and where did all these special district meetings assemble? It is singular that we should never have heard of them. It is passing strange that whole circuits should have cast off their allegiance to Methodism, and that the Con-

nexion should have remained in total ignorance of facts so alarming! Perhaps you will have the goodness to favour us with a sight of the printed resolutions of these former district meetings, or inform us where they may be procured, that we may compare them with those of the Leeds Special District Meeting! Perhaps, also, you would not think us troublesome if we request you to point us to the resolutions and thanks of the Conference respecting these former district meetings; and especially as the omission of all these particulars in your books is rather a serious oversight.

Alas! in all this laboured effort to find a ground for your pretended necessity, you have drawn too largely on our simplicity! That the cases you suppose have occasionally happened in relation to individuals, we may safely admit; but, that a whole circuit, or the majority of any circuit, ever did renounce or cast off Methodist doctrine or discipline, or become Sabbath-breakers, smugglers, or immoral persons, we deny. The very suggestion is preposterous! Until, however, this is not only proved to have been actually the case, but also that its recurrence is probable and justly apprehended, your argument is not worthy a moment's consideration! and yet, in order to prepare us for submission to this odious assumption of power, you require us to suppose all this to be the case in our own circuit! "Suppose, that in your own respectable society the majority of local preachers and leaders were to imbibe and teach false doctrines;—and if the primitive churches fell by this means, what security have you against this trial of your faith?—how, then, would the doctrine of the inviolability of your local jurisdictions affect you?" You have yourself answered this question so far as the alarm which you would excite extends, viz., with regard to the chapels. We perceive, in several places of your book, that dark and unfounded insinuations are thrown out in relation to the chapels, which cannot be mistaken. Blow the trumpet; sound an alarm; the danger is great! It is not only the church and the faith, but the chapel, also, is in danger!!! Would any man descend to these subterfuges, if he did not feel convinced, in his conscience, that he had no foundation in truth and righteousness whereon to rest his argument? But you have told us, the "chapels are secured to the use of those who love the doctrines which only can be preached in them." The poor souls, then, whom you would thus alarm by your chapel cry, may rest themselves quiet,—“the chapels are secured!” But pray, who built these chapels? who settled them on the Conference? who secured them to those who love the doctrines? and who are they who are continually subscribing, and building, and settling chapels, in our circuit? Is it not rather early to accuse them of aiming at the chapels, “as well knowing the bearing” of this point? Had you not better wait until they have ceased building and settling chapels, before you raise the cry that they want to pull them down?

To make the supposition you request us to make, would only become the sad tenants of St. Luke's! and we introduced the quotation chiefly on account of the question it contains:—“If the primitive churches fell by this means [imbibing false doctrines], what security have you against the trial of your faith?” We know not how far you may be acquainted with the history of the primitive churches; but if you know anything of that history, then you know that by this inquiry you impose on the uninformed reader! The primitive churches fell by the corruption of their bishops, both in

faith and practice; and not by any heresies originating with the laity. Trace all the great corruptions which have marred the church of Christ, and we will defy you to prove that any one of them ever obtained in the church, or became productive of general mischief, until embraced and defended by the regular clergy. We are bold to meet you here on the broad scale of history; and we affirm, that no church ever did, and no church ever will, fall away, under a sound, zealous, and faithful ministry! This is a position in which not only every intelligent Methodist, but every enlightened Christian, will fully concur with us. Before, therefore, we can suppose that the majority of our leaders and local preachers will become corrupt, we must make a previously necessary supposition, which you have not requested us to make! We must suppose, that the majority of the Methodist Conference have become corrupt and fallen! Until this latter supposition be realised, it is impossible that any rational man can entertain the former; and especially, seeing that all our pulpits are secured to your use. With what face, then, do you call upon us to suppose this general corruption of our local officers and members; and what shall you be doing, whilst this "leaven of heresy and sin" is working its way to such awful ascendancy? To what purpose have we called you from your trades, and endowed you with incomes, which place you in happy comparison with the clergy of all other churches, not excepting even those of the Establishment, —to what purpose, we ask, have God and Methodism freed you from secular cares, and set you as watchmen over the fold, if you thus propose to slumber until "immorality, false doctrine, and faction ride triumphant?" Why not stay the evil in its commencement? Why not, on the first discovery, apply the remedy, by bringing the delinquent before the proper local tribunal, whilst the members of those tribunals remain sound and pure? There must surely be ample opportunity for so doing. The plague itself does not carry off a nation in a day! whole churches do not fall from God and from righteousness, as the Son of the Morning fell from heaven! Large and combined societies of Christian men, united by the strongest ties, —men, whose union has been confirmed by habit, consolidated by the growth of years, and cemented by that charity which is the bond of perfectness, do not renounce their principles and their creed, cast off the restraints of religion and morality, and riot in licentiousness by an instantaneous impulse, resembling the sudden disruption of an earthquake! Effects like these are not the lamentable fruit of a day, a week, a month; whole years are generally consumed in these deplorable declines. It was not without reason, therefore, that the great Head of the Church first cast his eyes of flame on the angels (the bishops or pastors) of the Asiatic churches; and addressed to them his dread reproofs on the decay of those prostrate churches. We have no fears for Methodism, but through her Conference,—none, at present, for the Conference, but through your party! In saying this, we do but echo the voice and the sentiment of the venerable Wesley!

But "it must needs be that offences will come!" This is almost the only passage of Scripture which your book contains; for the Scriptures are not with you in this attack on the liberties of the church! The Scriptures are true,—"It must needs be that offences will come;" and, in the present instance, it is highly important to observe the door at which they enter. Special district meetings, you tell us, are not required in *ordinary* cases; it is only under *extraordinary* circum-

stances that they obtrude. You wish to prove a necessity for their interference in the latter cases ; for this purpose you beat about for a case,—a case in point,—an extraordinary case. “Let us,” say you, “take such a case.” But whither would you go in quest of such a case? The Leeds case was before you ; a case in which a special district meeting had actually been held ; a case in point, therefore ;—an *extraordinary* case ;—a case, moreover, so recent, so generally known, and the facts and circumstances of which have been so fully detailed ! How is it that this case will not serve your purpose? How is it that you feel yourself compelled, at every point, to fly off from all fact and experience, and to draw upon your imagination continually for fanciful cases, such as never did and never will occur? Can any one mistake you here? Is it not conclusive that the Leeds case does not admit of defence ; and that, conscious of this, you studiously keep it out of sight? The Leeds brethren, as is proved by their proposals to Mr. Grindrod, of the 13th October, 1827, had no quarrel with either the doctrine, the ordinary discipline, or the morality of Methodism. No! but they complained of the violation of established and fundamental laws, and of the overthrow of the decisions of their local meetings, by Methodist preachers, and by the Methodist Conference! Now, this is a case of sober fact. It is the only case with which your fertile imagination cannot sport ; and, after the explicit notice we have taken of your suppositious cases, we must beg leave to tell you, that it is the only case in which you can ever hope to establish a necessity for those outrages on the local jurisdictions of the circuits and societies, which you would pass off under the smooth title of “remedial interferences.” Such interferences, by special district meetings, are necessary, highly necessary, to support and extend what is called Conference power,—not indeed the proper and lawful power vested in the Conference by the constitution of Methodism, and which is not questioned ; but the usurped and oppressive power of which the Leeds case furnishes so instructive a display,—the power to declare an “emergency” whenever you please ; and then “to act and decide,” without law, and without responsibility (except to one another), as to you may seem right and necessary! Yes, such interferences are necessary, highly necessary, to consolidate and preserve that absolute domination which you and your party have ever been so anxious to establish ; and which you would then so proudly exercise in the name of the Methodist Conference! This is the necessity, and the only necessity for any interferences, by special district meetings, in local affairs of the people, except where travelling preachers are accused. The necessity, in this case, we fully and freely admit ; but then, you will pardon us if, in our great ignorance and simplicity, we cannot see any just reason why you, and some dozen or score of your brethren, should be allowed thus to vie with the lords of the Gentiles, in exercising this absolute dominion in the church ; nor why our societies should become the mere vassals of the despotic party in the Methodist Conference. The character of the power you claim is sufficiently displayed in its effects. It is not healing ; it is not conciliatory ; it is not Christian. Good men form their opinion of it from the Leeds case! There, Methodism has lost a thousand souls, whom Jesus Christ is unwilling to lose ; and with whom, therefore, his Spirit remains! With these brethren we have no controversy in relation to doctrine, or morals, or ordinary discipline! It is simply a question about this absolute power!—a

power to which Christian men cannot, will not, ought not, to submit. It is the power, not of love, not of the gospel, but, in its essential principle, of the sword; that is, not of reason and principle, but of lawless will and party violence. If we are thus in your power; if we are really thus enslaved in Methodism; if you feel yourselves secure and firmly seated in this car of victory, triumphing over the church, then go on and prosper! Estimate the character of a Methodist no longer by his relation to Christ, but by his subjection to you! "It must needs be that offences will come!" here is your authority and commission! never mind the woe which follows this declaration; your power is *necessary*; "*it must needs be!*" Men who climb to elevations, at which their heads grow dizzy, seldom pause to calculate on consequences!

XII. Having thus answered, we trust to your entire satisfaction, your fallacious reasonings on the pretended necessity of thus allowing special district meetings to interfere in the local affairs of circuits, except where the conduct or appointment of travelling preachers are concerned, we come now to consider how far we are affected, in the *ordinary* course of things, by this extraordinary power; and by the still more extraordinary reasoning on which you would establish it.

It is amongst the first and by no means the least of the attacks you have made on the foundations and guarantees of our *ordinary* rights, that the "great sacrifices in respect to authority," made by the Conference of 1797, "on the part of the superintendent and of the whole body of travelling preachers," should be frittered down into mere *checks*! They were checks indeed, and most efficient ones; but they were also actual grants of power, "sacrifices in respect to authority." The language of these checks is:—"Thus, brethren, we have given up the greatest part of our executive government into your hands;" "the whole management of your temporal affairs;" "and by far the greatest part of the superintendent's authority!" Here, the thing sacrificed and given up is "authority"—"the authority of the superintendent and of the whole body of travelling preachers;" and that, according to the Conference of 1797, to a very great extent. But here your conscience steps in to tell us, that "no absurdity can be greater" than to suppose that the Conference "divided the duties and powers of the ministry with the leaders' meeting!" All these great "sacrifices in respect to authority," consisted of nothing more than "certain checks upon the possible abuses of power!" (Watson, p. 9.) We have told you that we shall not contend with you about terms and phrases; but let any man, who takes to himself the credit of possessing common sense, turn to the printed circular, issued by the Conference of 1797, containing "the Concessions," and, confining his attention to the points in hand, let him say, whether the Conference did, or did not, make the leaders' meeting the sole judges of the *evidence* on which, in all disputed cases, the superintendent should admit or expel local officers and members of Society? and whether, by those Concessions, their decision be not *final* in all such cases?

In order to found your argument for thus reducing these Concessions, you have favoured us with a list of the duties and powers; or, as you fondly term them, "the inherent right of ministers and pastors." As we do not intend to quit the subject by launching into discussions on foreign matters, we must reserve any remarks we may have to make on this "bill of fare." We must remind you, however, that you have not drawn this list out of the Scriptures, as you would

persuade your reader ; but, as the country people say, “ out of your own head ;” and that, like everything else in your book, it rests on no better foundation than your own broad assertion !

As ministers, however, are but men, and therefore liable to “ errors and passions,” you admit, that these powers may be “ *checked* !”—a most wonderful admission, to be sure, to come after, and in explanation of, the very large and liberal “ sacrifices of authority ” made in 1797 ! But, lest these checks and these sacrifices should be of any benefit to the people, they must be counter-checked by two principles, which you (not the Conference of 1797) lay down :—“ 1. That they imply no transfer of powers inherent in the ministry, to those who are not in that office. 2. That the checks shall not obstruct the legitimate and scriptural exercise of those powers.” (Watson, p. 7.) How plausible ! who can object to principles so just and equitable ? Who is so insane as to imagine, that what is *inherent* in one, can be *transferred* to another ? Or who so wicked as to wish to obstruct the legitimate exercise of the Christian ministry ? But, anxious still to keep in view a practical question, and to see distinctly what are the counter-checks you wish to impose on the authority of the two principles thus laid down, and how much is still left us of the original checks or sacrifices of 1797, we have to turn from page to page of your book, and gather them up as we can ; for though you talk plausibly enough about general principles, you are rather cautious of bringing these counter-checks into very prominent view. Emanating from these principles, we find no less than three of these counter-checks—viz., the minister’s conscience ; an appeal to Conference ; and a special district meeting !

1. The minister’s conscience.—“ It is clear,” say you, “ there may be cases of which the ultimate decision must rest with him.” The cases you mention (and into which we enter not at present), relate to the admission and expulsion of members, in which the minister and his church are not agreed. “ There is, in this case,” you tell us, “ a clear power of pastoral rule ; and this rule is manifestly established upon the duties made obligatory upon the minister by the very nature of his office itself.” It is, therefore, a matter of conscience ; and “ either he must compel obedience by the force of his authority ; or, if a man of conscience, must abandon so rebellious a flock.”—Watson, p. 8. We, therefore, set this down as a separate and distinct power which you claim for Methodist preachers ; for, although you mention it in relation to a Dissenting minister, yet conscience must be equally binding in one church as in another. You, indeed, appear to substitute for it, in Methodism, an appeal to the Conference ; and lay it down as a great advantage which a body, existing, like ours, in the form of a Connexion, enjoys over Independent churches, that both preachers and people can appeal to the “ common authority !” But it is here that we discover the fallacy of your argument, and the hollowness of this plea of conscience ! What appeal can there be in a matter of conscience, save to the Word of God, the sure word of testimony, and the only “ common authority ” in such matters ? Next to the authority of Christ, is the authority of the church. But your man of conscience cannot submit his conscience to the church, and yet you require him to submit to Conference ! Here, however, you stop short ; to make out the great advantage of this appeal of conscience to a common authority, you should have proved the infallibility of Conference, and thereby its capacity and right to decide men’s consciences. In short,

if you really mean anything by that argument, you must mean, that whenever a superintendent, perceiving the decision of the leaders meeting to be against him, shall think proper to stand up and exclaim, "My conscience, brethren, my conscience!" then, instantly, the jurisdiction is transferred from the leaders' meeting to the Conference; and there is an end at once, as to that case, of all the Concessions and the Code of Laws of 1797! Nothing more can be required to convert an *ordinary* case into an *extraordinary* one and, as the minister may perform this farce whenever he pleases—as it is a matter solely within his own breast, we do indeed think this a total subversion of our ordinary tribunals, and a practical comment on your word "consult!" The leaders' meeting, if this point be conceded, is nothing more than an honorary council, whose advice the superintendent may take or reject, as he pleases. This, then, is the first of your counter-checks, and your first blow at the Concessions of 1797.

2. But if the superintendent should really be a man of conscience; and disposed, therefore, at any rate rather to submit his conscience to the lawful decision of the church, than of any Conference; or if he be a man of ordinary taste and sentiment, and, therefore, incapable of acting before a leaders' meeting, the first mentioned farce; then you can put him in the way to do the same thing, viz.—to overthrow the ordinary tribunal a little more decently! A man of this description will necessarily have about him a certain degree of prudence and foresight. Such a man, avoiding the question of conscience, has but to look around him for some simple and pious soul, who, believing all the minister tells him to be gospel (and such souls are to be found in every assembly of the church), shall be prepared to follow his instructions. These instructions are simply to wait until he finds that the vote of the meeting is contrary to the will of the superintendent; he is then to rise, and utter the potent words, "I appeal to the Conference!" These words, like a talisman, instantly transfer the jurisdiction; and the superintendent, "of his own authority," and in defiance of the local tribunal, immediately proceeds to admit or expel, as to him may seem meet! There is, indeed, the appeal to the Conference if anybody shall think it worth while to be at the trouble and expense of prosecuting it; which is not very likely! "To the people," you observe, "as in 1797, are granted certain checks upon the possible abuses of power; against the possible abuse of which checks themselves, however, an APPEAL always lay to the Conference from *any* person whatever *thinking* himself aggrieved."—Watson, p. 9. It would be a hard matter if a superintendent could not find one person to serve his purpose in a leaders' meeting, though all the rest should be of one mind. But of this pretended appeal we shall treat hereafter; at present, we are merely enumerating your counter-checks, in order to see what is left us of our *ordinary* jurisdictions; and therefore we do but name,

3. That in case the annual assembly of the Conference be not near at hand, and the superintendent, finding that the leaders' meeting penetrate all these politic schemes, and are firm in resisting them, is of opinion that he cannot go on comfortably in his circuit, whilst thus at war with the local authorities, he may then "allege an emergency!" Presently, down comes the President of the Conference, with three official advisers (the heads of your party) and all the preachers of the surrounding district, and as many more as may be thought

necessary to give evidence on behalf of the Conference! This assembly immediately vote, that they have "full powers to act and decide as to them may seem right and necessary!" The only question then is,—“Is the power for which this superintendent has chosen to contend worth preserving? If it be, let us invent a new test; and immediately expel all who do not choose to submit, though it should be not less than a thousand of the best leaders, local preachers, trustees, stewards, and members of the society.”

Now, these are the counter-checks which we gather from your book; and we put it to every fair and candid man, whether, in all this, an attempt is not made to interfere with our *ordinary* tribunals? Whether, in short, if these counter-checks be admitted, the concessions and checks of 1797 be not worse than useless—a mere delusion! But this is not our argument; our great point, to which we adhere, is, that this is not the law of Methodism! None of these counter-checks appear in any record of Methodism; and were never heard or thought of, as we shall presently prove, until your party came into power, when these attacks on our liberties began first to steal out in the Magazine. Here we may safely rest our case. If for any one of these counter-checks you can find any authority in the Plan of Pacification, or in the Concessions and Code of Laws of 1797, we will yield the present controversy! Nay, so far as we are concerned, we should be willing, in that case, to give up all the concessions and checks, and everything else that the Conference has granted, or pretended to grant, to the people; for it were better that you should wield an absolute and irresponsible power, under the risks and dangers which invariably accompany the exercise of such a power, than that you should act under the shelter of ostensible checks which are rendered purely fictitious by this triad of counter-checks. These treble-checked checks are indeed an admirable device to screen and cloak the encroachments of ministerial power on the liberties of the Church; but they certainly afford no security against such encroachments. The appeal to the Conference is the perfection of the scheme. Whenever was a corporation known to abandon claims and pretensions to power, so long as any individuals amongst them, of character and conscience, could be found to maintain them? It would be a strange thing in the earth, if, in such matters, the politic morality of a corporation should be found more straightened and fastidious than the conscience of an individual minister! Such is the happy fruit of allowing Methodist preachers to follow the example of the Roman Catholic and other clergy, in claiming to themselves, *exclusively*, and of “inherent right,” every power, privilege, and right which Jesus Christ has vested in his whole church! Thus, Father Lainez, General of the Jesuits, spake for two hours, in the Council of Trent, in a high and magisterial tone. “His argument was, that the right of jurisdiction over Christ’s kingdom here, had been given entirely to the Roman Pontiff, and not a single particle of it to any other in the church!”

XIII. Having made this parade of your inherent rights, and modestly admitted these checks, thrice checked, you proceed to illustrate your views by a reference to Independent churches; and, as the two succeeding paragraphs contain your general scheme of ministerial power, we shall devote some attention to them.

“Every minister, even of an Independent church, has a right to claim these principles, in his agreement to labour with any people.

He may be required to *take the opinion* of his Church as to the fitness of persons to be received into their communion, but he is the person admitting : he may be restrained from excluding until delinquency is proved *before* the church, but he is the person excluding—the consent of the people *may be taken* before the admission of any one into the ministry, but he and his brethren in the ministry are the parties ordaining.”—Watson, p. 9. Now, this is rather an ambiguous way of talking. When the minister is required “to *take the opinion* of his church,” is he to be bound by the opinion given? When restrained from excluding, until delinquency is proved “*before* the church,” is it meant that the church is it to be satisfied with the proof, and that their judgment is to decide the case? If so, all is well; we require nothing more. That the minister, in general, admits, expels, and ordains, ministerially and officially (but not of inherent right), we need not to be told; he is the officer of the church to perform these acts. But, being bound to take the opinion and judgment of the church, is he to be at liberty, on his own high and spiritual authority, to go and act directly in the teeth of their decision? This was the case at Leeds in reference particularly to Mr. Johnson’s case; and it is clear, from what follows, that it is this latter course you are anxious to recommend to Dissenting ministers.

The duty of receiving and expelling members you have inserted in your list of inherent rights; and the right being, as you tell us, *inherent*, cannot, or ought not to be, in any sense, dependent on the will of the church! Thus you add, “If his people so act with him as to restrain nothing but a mistaken or selfish use of his powers, well; but if he subject himself to such a control, as would make the power of fulfilling his duties [Why do you change the terms of the argument? Read, make his right of receiving and expelling members] dependent absolutely upon others [*i.e.*, the church], he would by that act so far divest himself of his office, as to share it with others [the church], whilst he himself remains under its full and sole responsibility to God.”

In all this you assume and assert much, but you prove nothing. With better reason, the Independent minister, on the contrary, assumes and admits that he has no right whatever to force his church into communion with persons whom they believe and declare to be immoral persons; nor to separate them from communion with those whom they believe to be living and worthy members of the body of Christ. This is the real question; where are the scripture proofs on which you found such an “inherent right” in a Christian minister? You do but blind the eyes of the reader by all this talk about a pastor sharing his office with others, whilst he remains under its full and sole responsibility to God. The duty of a minister is to enforce by his ministry (not the force of authority, in your sense), upon all awakened and serious persons, the duty of Christian communion; and upon the church the duty and obligation of receiving all such persons into their communion. So also with regard to the expulsion of immoral and irregular members: and he is, generally, the officer of the church, to perform *officially* these acts. But it is no part of his duty to fly in the face of his church in particular cases, on which the church has decided. He can be under no responsibility to God in such a case, provided he have done his duty in rightly informing and advising the church on the subject. The church has decided the matter, and it would argue a very high degree of presumption in him to set up his

judgment and conscience in opposition to those of the church. The Independent ministers have more sense, and a better acquaintance with their scriptural rights and duties. They know, that however high and solemn the sanctions under which they exercise their ministry, yet, after all, churches are voluntary associations. They know that as they have no power to "compel" men to believe the gospel, and unite in church fellowship, "by the force of their authority" (an expression which could not have fallen from a respectable Dissenting minister), so neither have they authority to "compel" or *force* the judgment of the church as to the worthiness or unworthiness of any individual, whom they as ministers might wish to admit or expel.*

But you can instruct the Independent minister how he is to act in such a case,—“he is instantly to become the accuser of his flock, and to charge them with refusing to admit into their communion, persons brought to God under his ministry, without any reason but a factious opposition; with resisting the expulsion of persons notoriously wicked; and proved (before whom you do not say!) to be so on un-

Notwithstanding our determination not to launch out on general questions of Church Government, our sole object being to maintain the Constitution of 1795 and 1797, we cannot withhold the following passages, as an antidote to your inherent rights. It admits of no exception; no reservation of extraordinary cases; none of which the ultimate decision must rest with the minister; none in which “there is a clear power of pastoral rule, made obligatory on the minister by the very nature of his office itself.” After referring to our Lord’s precept relating to the disputes of private Christians (Matt. xviii. 15., Dr. Campbell observes—“The practice of the apostolic age, which has the best title to the denomination of primitive, is the surest commentary on this precept of our Lord. Not only were such private offences then judged by the church, that is, the congregation, but also those scandals which affected the whole Christian fraternity. Accordingly, the judgment which Paul, by the Spirit of God, had formed concerning the incestuous person, he enjoins the Church, to whom his epistle is directed, that is (to use his own words for an explanation, ‘them who at Corinth are sanctified in Christ Jesus, called to be saints,’ to pronounce and execute. And in his second epistle to the same church chap. ii. 6) he says, in reference to the same delinquent, ‘Sufficient to such a man is the censure which was inflicted by many,’ *ὑπὸ τῶν πλειόνων*, by the community, and (ver. 10), ‘to whom ye forgive anything,’ addressing himself always to the congregation, ‘I forgive also.’ We admit with the learned Dodwell,* that in the censure inflicted on the incestuous person, the Christians at Corinth were but the executors of the doom awarded by the Apostle. Nor does any one question the apostolical authority, in such matters, over both the flock and the pastors. But from the words last quoted, it is evident that he acknowledges, at the same time, the ordinary power, in regard to discipline, lodged in the congregation. And from the confidence he had in the discretion and integrity of the Corinthians, he promises his concurrence in what they shall judge proper to do. ‘To whom ye forgive anything, I forgive also.’ Now, though in after times, the charge of this matter also came to be devolved; first, on the bishop and presbyters, and, afterwards, solely on the bishop; yet that the people, as well as the presbyters, as far down, at least, as to the middle of the third century, retained some share in the decision of questions wherein morals were immediately concerned, is manifest from Cyprian’s letters still extant. In his time, when congregations were become very numerous, the inquiry and deliberation were *hoiden* (perhaps then more commodiously) in the ecclesiastical college, called the *presbytery*; consisting of the bishop, the presbyters, and the deacons. When this was over, the result of their inquiry and consultations was reported to the whole congregation belonging to that church, who were called together on purpose in order to obtain their approbation of what had been done, and their consent to the resolution that had been taken; for, without their consent, no judgment could regularly be put in execution.” —Lectures on Eccles. History, l. iii. p. 32.

* De Jure Laicorum Sacerdotali, c. iii. sec. 10.

questionable evidence, from laxity of moral feeling, or from the same factious spirit." There are, however, several absurdities in this instruction, which an Independent minister would not be likely to overlook :—

1. He must bring this railing accusation against the whole church, or "the majority of its members," which would be to *unchurch* his church!

2. As we have reminded you that no church ever did, or ever will pass into such a state, or continue in it, under a sound, zealous, and faithful ministry; he ought in fairness to preface the charge by admitting himself to be a corrupt and fallen minister!

3. The church, having associated themselves voluntarily—that is, without any compulsion from man, but under a high sense of religious obligation; and that for the very purpose of themselves enjoying, and, by the enlargement of their community, of spreading the blessings of the gospel, he must suppose them, or the majority of them, so insane, as to defeat these great ends of their union and violate their consciences, "without any reason but a factious opposition" to what they hold most dear and sacred!

4. Evidence, of whatever kind, can only be estimated by the judgment. The minister must, therefore, presume that his judgment is to be preferred to that of the whole church. You talk about "unquestionable evidence;" but your own case supposes the evidence to be, *in fact*, questioned by the majority of the church. The minister, as you put the case, thinks the evidence *unquestionable*: that is merely his opinion. The church, on the contrary, thinks the proof, or the case made out by it, so very questionable, that they positively refuse to act upon it: that is the judgment of the church!

5. Lastly, The minister's plea for all this is to be his conscience, and he is to take it for granted that the members of the church, or the great majority of them, have no conscience at all. They are to communicate with persons whom they believe to be immoral or disorderly; or to sacrifice one another to these inherent rights of the minister, in cases and on evidence which they deem "questionable;" and are to be compelled so to do, "by the force of his authority!" but no account is to be made of their consciences in these matters! You admit, that the church may restrain a minister "in a mistaken or selfish use of his powers," and we apprehend that a minister could give no greater proof of "mistake or selfishness," or that he wished to use these powers for ends "not legitimate, for the gratification of private prejudice, interest, ambition, or other unworthy passions," than thus to plead his conscience in opposition to the solemn judgment and conscience of his church.

And now, having brought the Independent minister into this predicament with his flock, what is the next thing to be done? Why, "either he must compel obedience by the force of his authority; or, if a man of conscience [a great stickler for the inherent rights], he must abandon so rebellious a flock, and seek one of a more Christian [a more submissive and less conscientious] character." Alas! although all this talk about compelling obedience by the force of authority may pass with Independent ministers as an admirable illustration of your own spirit, they are well aware that such authority is neither derived from the Scriptures, nor could it be beneficially exercised in the Christian church! The plain English of it is, "Unless I can have my own will, and my own way, in spite of you all, I will either uproot you as

a church, or you shall uproot me as a minister." There have been instances in which ministers have been weak or wicked enough to press on such an extremity; but the judgment and conscience of the church is not to be the sport of such men.

The Dissenting ministers, in general a pious, intelligent, and learned race of men, must doubtless feel very much obliged to you for this exposition of their inherent rights and conscientious duties. But unfortunately for your reputation and success with them, they have not so learned Christ. They know that all the requisitions of the Gospel are addressed to the understandings and the consciences of men, and can only be enforced to any purpose by moral considerations. Any other authority, however necessary and indeed inherent in the church, would, if vested in them *exclusively* as ministers, be of no value in their estimation. They have been taught that, should they exchange the proper character of a Christian pastor for that lordly superiority which you would affect, they must expect nothing but ruin to their churches. " 'Perfect love,' says the Apostle John, 'casteth out fear.' It is no less true in the converse, 'Perfect fear casteth out love.' The great engine of the magistrate is terror; of the pastor, love. The advancement of the one is the destruction of the other. To attempt to combine them in the same character, is to attempt to form a hideous monster at best!" The late celebrated Robert Hall, of Leicester, and afterwards of Bristol, understood, we presume, his scriptural rights and conscientious duties quite as well as the Rev. Richard Watson. In 1825, Mr. Hall was attacked in the daily prints for publicly expelling a member of his charge. He rested his defence on the judgment of his church; and intimates plainly enough his opinion of the minister who should set up his own judgment in opposition to that of the church. His words are, "In that judgment I heartily concurred; but, *had it been otherwise*, I could not have declined the *duty assigned me*, without assuming more of the high priest than is consistent with my ideas of religious decorum." And this will apply to those superintendents in Methodism who refuse to put motions regularly moved and seconded at the quarterly meetings. They have no fear of seeing such motions negatived, and refuse to put them only when they perceive that they are likely to be carried. They, therefore, set up their judgment in opposition to that of the church! They assume the high priest at the expense of religious decorum!

The great *panacea* in Methodism for healing the consciences of both church and minister, when thus wounded by conflict, is an appeal to the Conference! and this you think an immense advantage which we enjoy over Independent churches. You play upon the imaginary diffidulty of these churches, and ask, "Where can the better part of the members [*better*, that is, tame and submissive to the minister] find redress? If a minority, they would have none but a separation." In voluntary societies, where an obstinate minority persists in opposing the general judgment and will of the great majority, what other remedy ought they to have? "Whilst, in case of their being part of a Connexion, they equally with the minister would have their appeal to the *common authority*." That is, if they cannot (being a minority) outvote the majority, they may call in the district police to beat them down! Who does not see that the Connexion has nothing to do with all this? The Connexion is not called upon, the sense of the Connexion is in no way taken! It is a mere device to

give the minister and his party (the minority, however small) a victory over the church! "In Methodism," you tell us, "every minister, when factiously opposed [when he cannot have his own way, and chooses to call the church factious], instead of being placed in the alternative of *offending his conscience* or of quitting his charge, has the power of resorting to authorities, acknowledged both by the people and by himself, for a redress of the grievance." To be sure he has, viz., to the leaders' meeting. But by these "common authorities" you mean special district meetings and Conferences! Now we deny, that since 1797, at any rate, either district meetings or Conference are, or have been, the common authorities in such cases, viz., in the admission and expulsion of members, and the trial of local officers. This was a main question discussed and settled in 1797. By the Concessions and Code of Laws of that year, these matters can now be transacted only "in conjunction with the leaders' meeting." But were it otherwise, the enlightened and intelligent Dissenting minister will discover nothing here that could improve his situation, save what his conscience would revolt at. He would perceive in your reasonings on this, as on every other subject in dispute, the same want of clear and distinct ideas, the same illogical reasoning, and the same absence of enlarged and comprehensive knowledge of the subject, of which we have already complained.

1. He would understand perfectly well how, in a matter of conscience, a difference between parties might be composed by the communication of light and conviction to the minds of the disputants; but he would not so clearly perceive how a case of conscience could be settled by an appeal to any authority save the Word of God. Perhaps you think the authority of Conference not much short of this standard?

2. He might be willing to ask advice, and thankful to receive information, but he would have very great difficulty in submitting his own *conscience* to any *human* authority: and, if the submission must be made, he would doubtless question within himself, whether he might not as well submit to the church of God, as to a conclave of brother ministers; who, having the same bias as himself, might possibly only confirm him in error! He would know from the history of former synods and conclaves, that this was no new thing in the church.

3. This difficulty of submitting his own conscience to a common authority, would teach him to apprehend some difficulty on the part of the church. Instead, therefore, of applying your "infallible remedy," he would be apt to judge of it by the Leeds case; in which this appeal to a special district meeting cost the society upwards of 1,000 souls! He might find little relief to his conscience in this sad alternative; and think it of little consequence, whether he were compelled "to quit his charge," or his charge compelled "to quit him!" And, inasmuch as a refusal to submit, in a matter of conscience, to a common authority, is no great offence in the estimation of a Dissenting minister, he would probably suspect that the men, who thus saved their consciences, were "the better part of the members."

4. In short, every man of common sense and experience must perceive, that, however valuable the advice and counsel of other esteemed and prudent ministers may be in healing a private quarrel, or reconciling a personal difference between a minister and any of his flock; yet, in questions of authority and right, between the ministry on the one hand, and the church or laity on the other; and which are

made, as you make them, matters of conscience, it is folly to talk of a *common* authority. If consciences can be reconciled by authority, why is the Christian church divided into so many sects and parties? Your "great advantage" of an appeal to a common authority, the creature of your own imagination, resolves itself into a mere aggravation of the disorder. It enlarges and hastens the separation you propose to prevent! But to talk of a common authority in such cases, composed, like the Methodist Conference, wholly of ministers, and in which the consciences of the members have no representative, is something worse than folly! It is here that the Dissenting minister will perceive the true object for which you contend. He will perceive, that the preservation of doctrine, morals, and *ordinary* discipline, is altogether out of the question, as in the Leeds case. But that, if every question affecting the rights and consciences of the church can be brought for ultimate decision before a conclave of ministers (which was the great engine of papal policy), then those ministers may establish any despotism they please in the Christian church! They not only *may* do this, but all experience goes to prove that they assuredly *will* do it! It is here that the conscience of the Dissenting minister would be a bar to his embracing your theory. Its only utility is to establish a power in the ministry, which he knows to be neither scriptural nor lawful; and which, therefore, he would not dare to claim.

XIV This illustration of your principles from the case of Independent churches, is followed by an attempt to apply them more directly to the constitution of Wesleyan Methodism. Here we travel over the same ground, the instances of check and counter-check being the same, and applied to the same cases, the admission and expulsion of members and local officers.

But it is of importance here to ascertain, in the outset, whether Methodism do really acknowledge this right of admitting and expelling the members of her societies to be *inherent* in her ministers; or whether she regard it as not *inherent*, but *derived*; and, if derived, from whom? They who set up claims to *inherent* rights should establish them by proof. This was your business; but, not being an easy task, you are content to insert this right in your list, and to take it for granted! We deny the right; but it certainly is not our business to prove a negative. Yet, in following a writer who asserts everything, and proves nothing, we must either leave the reader in the dark, or travel much beyond the line of our necessary duty. We shall trouble ourselves no further, however, on this subject, the question being now purely Methodistical, than to refer to Mr. Wesley's opinion on this right. That opinion, with us, is decisive; we think it will be so with every unprejudiced reader.

Amongst the numerous opponents of Mr. Wesley, he acknowledged that the Rev. Mr. Church had treated him more as a gentleman, a scholar, and a Christian, than any other. But Mr. Church pressed upon a tender point, on which Mr. Wesley, as an avowed clergyman of the Church of England, found it rather difficult to give a satisfactory reply. The point was, Mr. Wesley's right, as a clergyman, to form "a separate ecclesiastical society or communion, over which he had appointed himself a governor, and taken upon himself all the spiritual authority which the very highest church governor could claim." With the question between Mr. Wesley and Mr. Church we have nothing to do; but we cite the following passage to show,

that even Mr. Wesley's power to admit and expel members was not inherent, but derived from the society itself. And we follow his method, printing Mr. Church's argument in *italics*, and Mr. Wesley's replies in the ordinary type.

"*How then will you vindicate all these powers! All these are, declaring those are no longer of our society. Here is a manifest congregation. Either it belonged to the Church of England, or not. If it did not, you set up a separate communion against her; and how then are you injured, in being thought to have withdrawn from her?* I have nothing to do with this: the antecedent is false, therefore the consequence falls, of course. *If it did belong to the church, show where the Church gave you such authority of controlling and regulating it?* Authority of putting disorderly members out of that society! The society itself gave me that authority! *Are not these powers INHERENT in her governors, and committed to the higher order of her clergy?* No; not the power of excluding members from a private society," &c.—Wesley's Works, vol. xvi. p. 166. Ed. Bristol, 1772.

Thus, Mr. Wesley's notions were not quite so high as yours are! He had too much learning and good taste to plead the *jus divinum*, the *inherent* right! He admits his power to be derived from the society:—"The society itself gave me that authority!" We will add one quotation more from the preceding page. "*And took upon you all the spiritual authority which the very highest church governor could claim.* What! at Kingswood? In February, 1740-1? Not so. I took upon me no other authority (then and there, at least) than any steward of a society exerts, by the consent of the other members. I did neither more nor less than declare, that they who had broken our rules were no longer of our society."—*Ibid.* p. 155. Thus, then, according to Mr. Wesley, the right to expel from the Methodist society is, 1. Derived from the society. 2. It is to be exercised *with the consent* of the society. And, 3. It may, with such consent, be exercised by "any steward." So much for your boasted *inherent* rights, considered as a Methodistical question!

But the power which the Connexion in general entrusted to Mr. Wesley, they did not think proper, after his decease, to entrust to the Methodist Conference, without exacting from them, by stipulation and treaty, what they were confident Mr. Wesley would voluntarily do. Mr. Wesley was not merely expected to "consult," which is your favourite word, but in the exercise of this power he acted with the understood consent of the society. The Conference, however, is not merely *expected*, but is bound, by the Concessions and Code of Laws of 1797, to act "in conjunction with the leaders' meeting."

"The leading guards against undue exercise of power as to the people, are, that when the leaders' meeting declare a person unfit to be admitted into society, no preacher shall receive him as a member; and that the delinquency of a member must be proved in the presence of a leaders' meeting, before he can be expelled. These instances are sufficient for my argument; and I need not, therefore, go into the case of local preachers, trustees, leaders, or into financial regulations."—Watson, p. 9. Now here again we have only to remark, that, understanding these "guards," thus quoted from the Concessions of 1797, as every honest man must and will understand them, we are quite satisfied. Notwithstanding all your misrepresentation and abuse, we desire NOTHING NEW in Methodism. This is the law! every true and sincere friend of Methodism will wish to maintain it. We, ourselves,

contend and wish for nothing more. But the Leeds case! Have you forgotten that case? This law was not acted upon at Leeds. A new and dishonest interpretation prevailed there. It was contended, that the rule merely required the delinquency to be proved "at," or as you have it, "before," a leaders' meeting. But that it did not say, "to the satisfaction of" a leaders' meeting! Having acted upon this contemptible quibble, and made it serve your purpose, you afterwards became ashamed of it; and have since given it up in terms, though not in substance. In so many words, therefore, it is not to be found in your book. We were shocked indeed, and every honourable mind must be shocked, to find that Methodist preachers had proceeded to set aside rules so equitable, on pretensions so discreditable! But, although you surrender the shadow, you still grasp the substance. You give up the dishonest interpretation, and yet all your reasoning travels along with it, and is designed to answer the same end. It is for this purpose that you are so partial to the word "*consult*." The superintendent, you admit, "may and ought to consult the leaders' meeting;" but "it is clear there may be cases of which the ultimate decision must rest with him;" or, which is the same thing, with a special district meeting and the Conference! Will the respectable men in Methodism consent to be thus mocked and cajoled under the pretence of being consulted on matters which the superintendent has previously settled in his own study? It is for this purpose that, having stated the above simple rules, which no man can misunderstand or misinterpret, but through wilful blindness, you immediately follow them up with this artful inquiry, "The question then before us is, whether the Conference in 1797, or at any other time, conceded more than a power to guard the exercise of the rights of the ministry [read, the right of admitting and expelling members] against abuse; or whether it divided the duties and powers of the ministry [read, the right of admitting and expelling members] with the leaders' meeting?" Your motive for putting this question is explained by what follows:—"If the latter, then has a leaders' meeting, *in all cases*, no matter how unfounded, the power to forbid us to receive members into the church, to restrain us from expelling immoral members, &c., and that simply by withholding its concurrence."—Watson, p. 10. Now what, we ask, is the object of this inquiry, but precisely that of the disgraceful quibble on the word "*at*," to which we have alluded. What possible motive can you have for putting such a question, but to get rid of the Concessions of 1797, and to recover to yourselves, in all cases which you choose to call or to make *extraordinary*, the power of admitting and expelling members and local officers, independently of the local meetings?

We have already had occasion to remark on your manner of putting your cases, so as to take for granted what no man in his senses can grant you, and what you never can establish in proof or argument! Thus you say, "in all cases, *no matter how unfounded*." But leaders' meetings are not destitute of reason or principle. It is then impertinence in any man to assume what is so contrary to fact; or rather, it is a proof to what an extremity you are driven to find even a plausible pretext for the power you claim. The local meetings, and especially when they have men of your party to deal with, have generally a pretty good reason to assign for their proceedings. Thus, at Leeds (if it were possible for a moment to draw your attention to that case), the local meeting had a very good foundation for refusing

to concur in Mr. Johnson's suspension. You had previously overturned all law in relation to the subject in dispute, and had left the local authorities no remedy but to meet and express their sense of your conduct. They, therefore, desired their Secretary, Mr. Johnson, to call a meeting for that purpose. Was there no foundation for refusing to suspend Mr. Johnson, for calling a meeting which they had requested him to call? The meeting was an irregular one! But who had rendered an irregular meeting necessary or desirable to the local authorities at Leeds? How ridiculous to talk of "all cases, no matter how unfounded." If you will deluge the church with these bitter waters, you must expect that they will flow in one channel or another, regular or irregular; and is it not just that, notwithstanding the vote of thanks, they should still recoil on your own party?

But to return to your question:—what the Conference granted in 1797 is plain enough. They conceded an efficient check upon the power which the society had intrusted to the preachers, of admitting and expelling members. The check consisted not in any division of your *ministerial* duties and powers; it had nothing to do with such duties and powers; but it authorised the leaders' meeting, *in all cases*, to judge and decide on the *evidence* on which you propose to exercise the power of admission and expulsion thus entrusted to you. It requires you, before you put this latter power in execution, in any disputed case, to submit the *evidence* to the local meeting, as to a jury; and to take its judgment thereon, and by which judgment you are bound.* That this was the check, and to the full extent that we have stated, is manifest from all the clauses of the Concessions of 1797, relating to the subject. The quibble on the monosyllable "at," of which you are now ashamed, could apply to one phrase only, relating to the *expulsion* of a private member. As to the *admission* of members, it is completely shut out; the language of the Concessions being, "when the leaders' meeting declare a person unfit to be admitted into society, no preacher shall receive him as a member." If this does not apply to "all cases, no matter how unfounded," then where are the exceptions? There are certainly none in the Concessions or Code of Laws of 1797. But, as to the appointment and removal of local officers, the language of the Concessions is, if possible, still more express. "No person shall be appointed a leader or steward, or be removed from his office, but in conjunction with the leaders' meeting; the nomination to be in the superintendent, and the approbation or disapprobation in the leaders' meeting." Is this language sufficiently express and clear? Does it include "all cases, no matter how unfounded?" Is there any exception, reservation, or restriction, in

* Advantage has been taken of this passage to represent the leaders' meeting as a mere jury, and to claim for the superintendent exclusively the rights of a judge in civil courts. He is to lay down the laws and to fix the penalty. Nothing can be more fallacious or more opposed to the whole argument of Sect. XIII. and XIV. Of course, the evidence must be laid before a leaders' meeting as before a jury; and the witnesses or other evidence be produced. But the powers of the meeting do not end here. They try as a court of peers; their jurisdiction travels along with the whole case, and they must be consenting parties to the sentence awarded. The Code of Laws of 1797 declares the *consent* of the leaders' meeting to be essential to the ACT of admission or removal in the manner immediately following. This participation in the sentence is not the province of a jury, but proceeds on the principle of equality, that every man shall be tried by his peers or equals; or, rather, it recognises the right *indefeasible* of every church to try its own members.

favour of your novel claims? You know that throughout these Concessions there is none! But you cannot brook these checks on your high and imaginary powers! You wish to get rid of them! To avow this in plain English would be too barefaced; and, therefore, you make a stalking-horse of your consciences, and seek to conjure up a class of *extraordinary* cases! You talk of your responsibility to God, where no responsibility attaches; and startle at the thought of being rendered, in any case, "dependent upon co-ordinate authorities!" It is really amusing, in a Connexion like ours, to see a portion of Mr. Wesley's lay preachers (he would never allow you any loftier claim or title), who happen to have been called out to more extensive labour as Itinerants, at the expense of their brethren, affecting so much conscientious alarm and terror at the bare thought of being identified with these same brethren; or of having their high and spiritual powers put in commission, *even in a matter of evidence*, with men who exercise the same ministry and care of souls, in the same Connexion, and with at least equal zeal, fidelity, and success! "No absurdity," you tell us, "can be greater than that which this strange and novel view attributes to the Conference of 1797; viz., that it should make co-pastors of men who are not pastors; co-ministers of our excellent friends the leaders, who never professed to be ministers." Here the local preachers, some of whom rival you in talents and learning, and are, therefore, objects of jealousy, are tossed off as "men who are not pastors!" but the leaders, who do not profess to preach, and are, therefore, regarded with less distrust, are courted as "our excellent friends, the leaders!" But no matter; just reverse the order of the two classes in this wonderful sentence, and tell us whether the local preachers are *ministers*; and whether the leaders are *pastors*, in the Methodist Connexion? Could any absurdity then be greater, than to suppose that the Conference of 1797 should make co-ministers of men who really are co-ministers; and co-pastors of men who really are co-pastors in the same Connexion?—that, in judging of the *evidence* on which members may be admitted or expelled, the Conference should treat as "co-ordinate authorities" men whose labours are not less owned of God than your labours; and to whom Methodism is not less indebted than to you, for her increase, her strength, and her prosperity? Is it not this which shocks your pride and alarms your consciences?*

* Mr. Beechman's Essay did not fall under our notice until after the greater part of this Reply was in type. We, therefore, have found great difficulty in making room for a condensed note on one or two points. We perceive that he has drawn together whatever he could in support of the favourite system, but we have not thought it of sufficient importance to induce us to print an additional sheet. In substance this Reply is a sufficient answer to all he has said against our views of this controversy. We observe, that, as one prop of Conference power, he claims the pastoral office *exclusively* for travelling preachers; and denies any share of it to local preachers and leaders! To make this out, he sets down the local preachers and leaders as *deacons* only; and shows, from Scott on 1 Tim. iii. 13, that "the deacons were principally appointed to dispense the charity of the church, and to manage its temporal concerns; yet they preached occasionally, or taught in private, or were readers in the public assemblies." All this we admit as to deacons; but, however much it may apply to our stewards, it applies not at all to local preachers and leaders; who are not appointed *principally*, nor at all, to manage the temporal concerns of the church, having merely a voice like the travelling preachers in the local meetings. Their offices are purely spiritual. That of the leader is essentially pastoral; and Mr. B. admits (p. 105) that "the *teaching* of the local preacher is of the higher kind of teaching" (that is *preaching*, which is

XV. The new doctrine of an appeal to the Conference "from any person whatever thinking himself aggrieved" (Watson, p. 9), is the twin doctrine with that of the pretended right of special district

the highest gift and endowment in the church). Nor will Mr. B. gain anything by his laboured exposition, from a certain class of critics, of various passages of Scripture which are thought to bear on this question. These passages have been so frequently and variously expounded on all sides, by men of equal learning and talents, that each party, whether Episcopalian, Presbyterian, or Independent, retains his own interpretation, and rejects those of his opponents. Into this question, of course, we cannot enter. It belongs not to our question of Methodistical law; but, as Dr. Campbell remarks, "the practice of the primitive Church is the best commentary." What that practice was, and that it was directly opposed to Mr. B.'s whole scheme of Church government, the learned Doctor has abundantly shown in his lectures on Ecclesiastical History; a work which should be studied by every friend of religious liberty, and from which, at p. 77, we have given an extract.

We admit, however, the right of the inspired apostles, to rule with the very highest authority both the pastors and the people; yet the Church was to try even the apostles, Rev. ii. 2. And, saving always the right of private judgment and conscience, which forbids us to allow any man to have dominion over our faith, and the right of the Church, which is not to be "lorded over," even by inspired men; we admit the right of *ordinary* pastors to rule in (not over) the church, for edification; but so as it be not "as lords over God's heritage; but being ensamples to the flock"—1 Peter v. 3. And if we should admit a great deal more; nay, all for which Mr. B. contends, as to this power of rule and authority in pastors, what does he gain by it? We contend for the Methodistical rights of the local Presbyteries; and we maintain, that the local preachers and leaders have all the qualifications which St. Paul lays down as requisite for a bishop or presbyter, 1 Tim. iii. 2-7; Titus i. 6-9. They are all examined as to their knowledge of our doctrines, and selected for their moral and religious qualifications. The local preachers are strictly examined also as to their call to preach. They are all nominated, and, with the consent of the local meetings, appointed to office by the superintendents of circuits. After all this, it is not competent to Mr. B. to contend, that they are not *διδασκαλικοί*, *apt to teach*. They are, therefore, not deacons, but elders of the church. Now, it will not be denied, that to the *πρεσβυτεροί*, the presbyters or elders, whom Titus was required to ordain in every city, were committed every right, power, and privilege, which belong to *ordinary* or *uninspired* ministers. Whatever rights, therefore, Mr. B. can establish as *inherent* in the Christian ministry, we claim, with equal confidence, as belonging to our local preachers and leaders; and as capable of being duly exercised and enforced in our local presbyteries. We may be amused with Mr. B.'s lofty notions of ministerial power, as applied to travelling preachers exclusively; but it is for him to prove, that men called and qualified to preach the gospel, and admitted in Methodism to exercise "the higher order of teaching;"—that men to whom Methodism commits, also, the especial and peculiar care of souls, in weekly classes, are not ministers and pastors; and, as such, entitled to share in all these high prerogatives.

This task Mr. B. has boldly undertaken, undismayed, and but little instructed, by the eminent failure of a co-ordinate of very superior powers, in the like attempt. He discovers, or he imagines that he discovers, from the Scripture, that a man cannot be a pastor, unless—1. He is called to rule or govern, as well as teach; and, 2. Be exclusively given up to the work of the ministry. We will take Mr. B. on his own ground, right or wrong; and, first, The call of the local preachers and leaders to teach and preach being admitted, we maintain that, Methodistically, they are called to rule also. Does not the leader rule in his class? Is he not a leader, if Mr. B. will have it so, in the one point *only* of Christian experience? But who can lead a class without perpetually dwelling on all the essential points of faith and practice, or what experience can there be where these essentials are omitted? Again, the Conference of 1797 say, "Thus, brethren, we have given up the greatest part of our executive government into your hands." Are not the men thus invested with the executive government rulers in the church? And, if possessing the highest gift and endowment of the Spirit, the gift of prophesying or preaching, they are not acknowledged as entitled to rule;—if the prerogatives and powers invariably exercised by leaders' meetings and local preachers' meetings, and confirmed to

meetings to interfere in *local* affairs of the people. As Methodistical questions, nearly the same arguments will apply to each, and they must stand or fall together. For this reason we did not think it

them in 1767, be not powers of rule and authority, who is it that denies them this pastoral right? Is it not denied by the travelling preachers? and is not the motive sufficiently obvious, viz., that they may keep all the rule to themselves? But, *secondly*, the local preachers and leaders follow trades; and on this ground their rights as ministers and pastors are denied! Mr. B., aware that the apostles also wrought at their trades occasionally, makes a salvo here in their favour. With them, it was a case of necessity, arising out of the poverty or neglect of the churches; and, therefore, in submitting to labour, they lost none of their inherent rights. Now, we admit all that Mr. B. can say about the right of ministers to live by the gospel; but St. Paul refused to avail himself of the liberality of the Corinthians when offered. The reason he assigns was, not Mr. B.'s *necessity*, but because no man should make his glorying void. Here, then, is a second reason for not being chargeable to the churches. A third reason, he assigns in another epistle, for refusing to "eat any man's bread for nought," viz., "not because we have not power, but to make ourselves an ensample unto you to follow us."—2 Thess. iii. 9.

But, waiving the case of the apostles, so decidedly in our favour, can Mr. B. persuade himself or others, that the presbyters or elders, ordained in every city, in times when the apostles themselves were obliged to labour for their bread, were all maintained by the churches? To these men, we have observed, was committed all the power which can belong to ministers and pastors. In those primitive days, when the gifts and graces of the Spirit were so abundantly poured out, a multitude of men were raised up for the edification of the church and the spread of the Gospel, but the infant churches could not maintain them. They, therefore, continued to labour at their trades; and, with all their inherent rights as ministers and pastors, were nothing more than local preachers and leaders. Even the celebrated Origen, in the third century, maintained himself, his mother, and his brethren, by teaching grammar. And when, confirmed as professor of sacred learning at Alexandria, he sold his books of profane learning, and devoted himself exclusively to Divinity, he contented himself with the small pittance of four *oboli* per diem, allowed him by the person who bought his books. In short, although esteemed above all his contemporaries for learning and piety, "he lived and died poor, and destitute even of common conveniences."—JORTIN.

As the churches became settled, and increased in numbers and wealth, they gradually made a settled provision for one or more of these ministers; and who, from being thus exclusively given up to the ministry, obtained afterwards the title of bishop, to distinguish him from his brother presbyters; a distinction unknown in the New Testament, where the terms bishop and presbyter are used synonymously. But this bishop, when thus maintained and distinguished, obtained no authority over his brethren, except as chairman or president in their assemblies. Still, as Jerome remarks, "*communis presbyterorum concilio ecclesie gubernantur*,"—"the churches were governed by the common council of the presbyters."—Hieron. in 1 Tit. Now the case was precisely the same with Methodism, which was a revival of religion, in many respects resembling the Pentecostal age. It pleased God to pour out his Spirit abundantly, and a multitude of men were "moved by the Holy Ghost," not to take upon themselves the management of the temporal affairs of the church, as deacons, but to preach the unspeakable riches of Christ, and God wrought mightily by these men, so that their call should not be questioned. But Methodism could not maintain more than a small proportion of these men; she therefore called out as itinerants (not as pastors) as many as she could support. The rest, like the ancient presbyters of the primitive church, continued to support themselves, and to exercise their spiritual gifts and *Divine* calling in a local sphere. They have the same *right* to be maintained by the church as the others; but the church cannot supply the means. They not only, therefore, glory, like St. Paul, in being chargeable to no man, but they contribute liberally to support those who have been called out. Are they to be stopped of this boasting? Are the necessities of the church to be made the plea for denying them the rights of the ancient presbyters; and are the men whom they thus contribute to support, to be the first to turn round upon them, and tell them they are not ministers and pastors? Can Methodism dispense with her local preachers and leaders? In every

necessary to enter on that subject in our Address to the last Conference. We shall now, however, beg leave to offer a few general remarks on this newly attempted appelland jurisdiction of the Methodist Conference.

circuit she has three or four times as many societies and congregations as she has travelling preachers. By whom are all these congregations and societies supplied with ministerial and pastoral service? The immense majority of our Sabbath congregations, with very few and occasional exceptions, are supplied with none but local preachers; and the people well know that the pastoral charge devolves almost entirely on the leaders. Are these ministrations efficient? Are they owned of God? Why then deny that those who thus efficiently serve the church are ministers and pastors? Why make the *necessities* of the church the plea for denying the rights and calling of her efficient ministers and pastors? If Methodism be thus effectually served by her local preachers and leaders; if she cannot do without them, and yet cannot maintain them; why are they to be thus insulted and degraded from that sphere and order in which they were called of God?

These high pretensions and supercilious claims have been in general confined to richly endowed establishments and to orders of highly beneficed clergy. They are the natural *exanthemata* of those who unsparingly consume the fat, and array themselves in the fleece of the fold. That they should now be gravely preferred by Methodist preachers, and enforced by the Conference, proves not only that Methodism is advanced in her temporalities, but also that in equal degree she is diverging from primitive simplicity and purity.—“The apostles of Christ,” remarks the venerable Fletcher, “thought it no disgrace to follow some useful occupation, for the relief of their temporal necessities—when, instead of eating the bread of idleness, they cast their nets, alternately, for fishes and for men—they quitted the tabernacles in which they were wont to labour, for the sacred recreation of setting before sinners a *building of God, an house not made with hands, eternal in the heavens*. This ardent charity, like St. Paul’s, is one of those mysterious things which are perfectly incomprehensible to the natural man, and which appear to him as the extremest folly.”* “The morality of the Gospel,” observes Dr. Chalmers, “is not more strenuous on the side of giving this world’s goods when it is needed, than it is against the desire of receiving when it is not needed. It is more blessed to give than to receive, and therefore less blessed to receive than to give. For the enforcement of this principle among the poorer brethren, did Paul give up a vast portion of his apostolical time and labour; and that he might be an example to the flock, of working with his own hands, rather than to be burdensome, did he set himself down to the occupation of a tent-maker. But there is no more striking indication of the whole spirit and character of the Gospel in this matter, than the example of him who is the Author of it—and of whom we read these affecting words, that ‘he came into the world not to be ministered unto, but to minister.’ It is a righteous thing in him who has of this world’s goods, to minister to the necessities of others; but it is a still higher attainment of righteousness in him, who has nothing but the daily earnings of his daily work to depend upon, so to manage and to strive, that he shall not need to be ministered unto.”

We have been roused to say these things in self-defence; at the same time, we are no advocates for confusion and disorder in the church of God. Mr. B. mistakes his ground when he appeals to Scripture, in order to found a distinction as to *order* between travelling and local preachers. All ministers of religion, called and admitted to teach and preach, are of the same order, and have the same *inherent* rights. But we admit the right of the church to appoint men to office and station. The distinction then lies, not in order, nor in any difference as to inherent rights, but in the conventional rights and powers of office. The respective offices of travelling preacher, local preacher, and leader, are distinct, and their rights and duties are distinct. But these offices belong to the peculiar economy of Methodism, and are not common to other churches. In the Methodist Episcopal Church of America, there are important variations as to these offices. There the local preacher administers all the ordinances of the church the same as the travelling preacher; and the itinerancy was confined there to single men. When a man married, he became a local preacher again. On this footing, all the moderate and most able advocates of Episcopacy have rested its defence. The church, they

* Portrait of St. Paul.

1. We have already observed, that the doctrine of appeals from the judgment of the churches to that of a conclave of ministers or ecclesiastical dignitaries, claiming universal ascendancy in all spiritual matters, was the grand engine of papal policy, and one of the most powerful means by which the Roman See established its supremacy. It was wholly unknown in the first and best period of the primitive church (the canonists divided the primitive church into two periods, which they denominated *prima primitiva* and *secunda primitiva*), and was not introduced until a very general corruption had overspread the Christian world. We can be at no loss, therefore, to estimate the character of a new jurisdiction assumed by the Roman Pontiff over the provincial churches, during such a period. The "very first appeal of any note" was that of the heresiarch, Pelagius, and his disciple, Celestius, from the sentence of an African synod, by whom their doctrine had been condemned. This occurred not earlier than the commencement of the fifth century. The claims of the haughty Pontiff, then newly called to the papal chair, were, however, firmly resisted by the Africans. They convened another synod at Carthage, in which they reviewed and confirmed their former decision, without paying the slightest deference to the authority of Pope Zozimus, notwithstanding he had already proceeded so far as to depose and excommunicate two of their pre-byters. This was not the first, no was it the last, instance in which the church was indebted for the

have said, in furtherance of the great ends of her institution may set up and regulate whatever offices she finds convenient; and, calling men to fill these offices, she may invest them with whatever powers she pleases. But every church must have a minister of one kind or another; and the inherent rights of the ministry remain the same, although in the regulations of office they may not all be called into exercise. Thus *inherently* a local preacher has the right to administer all the ordinances of the church; but Methodism devolves that duty on the travelling preachers, and does not call the local preacher to perform it. But what Methodist will say that a man, called of God and the church to preach the Gospel, might not, with the consent of the church, lawfully and effectually administer every ordinance of the church? Or who will deny that the administration of these ordinances by the local preachers of America is valid and effectual? Not having the same lofty notions of inherent rights as some appear to have, we are content with things as they are established amongst us: we wish not for any change; all we desire is to be allowed to go on, and serve our generation, without being trampled upon and degraded in our office by the dominant party in the Conference.

On another ground, and so far as our question is concerned, Mr. B. is equally wide of the mark in his appeal to Scripture in support of the right of ministers to rule the church. Our notions on this subject are not so relaxed as Mr. B. may imagine. Were we called upon to address the members of our classes on this head, we should strenuously enforce on them the duty of paying all proper deference and respect to their ministers; and, doubtless, in the language of many of the passages of Scripture which Mr. B. quotes. A man who should unreasonably oppose, or disrespectfully treat, a minister, would receive no countenance or indulgence from us. But, admitting all this, what has it to do with the question; which is, not how far Christians in general are bound to obey their ministers, but whether the judgment and conscience of the church, as expressed in the decisions of her local presbytery, are to be overruled and set aside by the will of the minister? All the texts of Scripture which Mr. B. can collect will never establish such a right in the ministry; and one would really think, that to state the question would be a sufficient refutation of so monstrous a claim! We recommend those who are in any danger of being infected by the servile principles, now so zealously inculcated, to inform themselves, from standard writers, as to the practice of the primitive church in the first and second centuries; and this practice they will find to accord with the spirit inculcated by our Lord.—Matt. xx. 25-28. See Campbell on the Gospels, vol. iv. p. 129.

defence of her liberties to the sable sons of Africa. It is satisfactory to know, that in this affair of the appeal, the ambitious patriarch of Rome was foiled in all his endeavours to establish his prerogative; and that, at length, he found himself under the necessity of anathematizing as impious what, in his zeal for power, he had pronounced to be innocent. "In the whole affair," remarks a learned writer, "Rome evidently showed that, with her, doctrine was ever but a secondary consideration, the primary object was invariably power"—a remark which some reverend aspirants of the present day would do well to consider! How the church proceeded in determining all cases which arose within her local presbytery, we have shown in a note, page 77. The point to which we now invite attention is, that for several centuries no such thing was known as an appeal, in any case, from the judgment of the church, to that of a council of ministers exclusively, judging and deciding in ecclesiastical affairs independently of the church. The introduction of such appeals was the subtle device of Antichrist, designed to advance the dominion of the priesthood, productive of no good whatever to the church, but tending directly and surely to enslave and corrupt her!

2. An appellent jurisdiction from the judgment of the local presbyteries of every society and circuit throughout the Methodist Connexion, you claim for the Methodist Conference! A very modest claim, certainly! that you are to be the absolute and final arbiters of the religious liberties, rights, and privileges, of about half-a-million of people; and if to the societies, we add the congregations that attend our ministry, we may say, of several millions of people. As this claim extends, of course, to all our foreign stations, it will invest you with a spiritual supremacy over a territorial surface, which places you nearly on a level with papal Rome, as to extent of jurisdiction! As usual with you, and with all who have ambition to prefer such claims, to claim and to take for granted is the same thing! When, therefore, we look for some proof or argument in support of this high pretension, we have still nothing but bold assertion and unblushing assurance! You condescend not to reason upon your imaginary right; you cite not a single authority, nor make the slightest appeal to the fundamental laws of the Connexion! You simply assert, and of course we are expected to admit, that "against the possible abuse of which checks themselves [the Concessions of 1797] an APPEAL *always lay* to the Conference from *any person whatever thinking himself agrieved.*"—Watson, p. 9.

How is it possible to reason with a man who thus takes everything for granted, and makes the boldest assertions without adducing the slightest evidence? We deny this appellent jurisdiction thus claimed for the Methodist Conference! We admit in them no right whatever to receive or determine any appeals, except against the proceedings and conduct of travelling preachers. This is our answer, and a sufficient answer. We are not to be called upon to prove the negative of an unfounded claim. They who prefer claims to power and authority over their fellow-Christians, are bound to make them out and to support them by proof.

Our friends, however, throughout the Connexion are anxious for information. Although, therefore, you are answered, it may be desirable to afford them further satisfaction. For their sake alone we extend these remarks.

3. Whilst boldly asserting, and dogmatising in support of, this high and haughty claim, you appear painfully conscious, that there is not a single argument which can be brought against the judgment of the local presbyteries,—against leaders' meetings and local preachers' meetings, which may not with equal or still greater effect be brought against the Conference. Our controversy is not so much with the Methodist Conference as with your party, by whom that Conference has been so lamentably committed and dishonoured. We are therefore happy in being relieved from the task of pressing this argument against the Conference by your own admission. "You may, indeed, say that the Conference itself may fall into the very evils to which you suppose a particular society to be liable. This I grant."—Watson, p. 14. Do you indeed grant this? then there is an end of all pretence for removing the jurisdiction from the local presbyteries. Were we to handle this argument, we should prove that the Conference, subject to the prevalence of parties like that which now predominates, is much more in danger of falling into these evils than the local meetings, but this admission is sufficient for our argument. The general remarks by which you would gloss it over, are too meagre and futile to require exposure; "great bodies are less liable to change (to become a prey to faction and party) than smaller ones!" "A Connexion like ours has within itself more internal checks and counteractions than Independency!" "It necessarily makes the best provision, which anxious care and prudent foresight can devise, against corruptions!"—And is it really on such pleas as these that we are called upon to surrender the Concessions and Code of Laws of 1797 to the ambitious party in the Methodist Conference! The Methodist Connexion (not the Conference, you do not pretend that) has indeed more internal checks and counteractions than Independency, for which we never contended, and with which we have nothing to do. Our fathers, in 1797, did, indeed, make the best provisions which anxious care and prudent foresight could devise against corruption! But these checks and counteractions, these prudent provisions, are to be found in the fundamental laws of the Connexion, and not in your deceptive reasonings.

4. If we touch lightly your party, and enter not more fully into its history and conduct, it is not that we have not been furnished with ample materials, but because we are unwilling to prejudice the Conference in the estimation of the public more than their own weakness in submitting to this party has already done. We hope that they will still have the spirit and the prudence to redeem themselves. It is high time that they were roused; for assuredly the Connexion will not much longer endure the measures of this party. In them we see realised the fears of the two Wesleys, and, indeed, all that the Methodist Connexion ever had seriously to fear! "John," said Mr. Charles Wesley to his brother, "there will arise men in your Conference who will overturn the Connexion." Mr. Wesley faintly replied, "I hope not, brother!" That Mr. Wesley was, however, painfully apprehensive of this result, is proved by his letter to the Conference of 1791, written with his dying hand, and inserted in the Minutes of Conference of that year, vol. i. p. 234. Mr. Wesley was afraid that the one hundred preachers whom, by the deed of 1784, he had constituted the LEGAL Conference, might avail themselves of the provisions of that deed to assume superiority over their brethren. The original preachers of the hundred, however, acted as faithful and

disinterested men. Their business was to do the work of Him that sent them. They wanted, in general (we speak of them as a body), neither power nor distinction beyond what this work necessarily gave them. They, therefore, immediately resolved, that all the preachers in full connexion should enjoy every privilege which the members of the HUNDRED enjoyed. (Minutes of Conference, 1791.) They determined that all vacancies, as they occurred in the HUNDRED, should be filled up by SENIORITY, and retained nothing to themselves but the election of the President and the Secretary, according to the terms of the deed. All this was equitable and just. It was more; it was a model of disinterestedness and liberality, and proves both the wisdom and purity of the original Conference. The only distinction which could tempt ambition amongst the junior preachers—viz., to become members of the HUNDRED, could now only be gained by seniority; and the only offices which demand superior talent and experience, were amply provided for, by the eligibility of one hundred fathers of the Connexion.

In the lapse of about twenty years from the death of Mr. Wesley, a faction arose amongst some of the junior preachers, who boasted superior talents, and complained of the want of sufficient scope and excitement to employ these talents for the good of the Connexion. By the decision of the Conference of 1791, to which we have referred, these men had all the power and privilege, of course, that their brethren had, and equal opportunity of serving the Connexion. The best way of serving the church would, doubtless, have been to imitate Mr. Wesley and the apostles, in faith, zeal, and labours; Methodism always afforded ample scope for men of this description, and they who had hearts to follow so bright an example did not want motive. But this party thought it an intolerable hardship, that they could not leap over the heads of the *senior* brethren, and become members of the HUNDRED, before those whom length of service pointed out as first entitled to that honour. They might perchance to die early in life; and, in that event, could never have an opportunity of displaying their great talents as President and Secretary of the Conference! Although, in every respect, on an equality with their brethren, they had the face to talk of the “bitter herbs” of servitude; and insisted, that a double apprenticeship of fourteen years was, in all conscience, a sufficient qualification for any office in Methodism! “Methodism,” it has been said, “is as much opposed to democracy as to sin;” and yet it should seem, that she has not been able to preserve even her Conference pure from that infectious spirit, worse than democracy,—a spirit which loudly talks of popular rights, and eagerly grasps the reins of power! This popular party increased; and, after disturbing several Conferences with their claims and clamours, they at last bore down all opposition. We copy the following passages from CROWTHER’S PORTRAITURE OF METHODISM:—

“On Monday, July 25, 1814, the seventy-first Conference began at Bristol, and continued until the evening of Wednesday, the 10th of August. Dr. Adam Clarke was chosen President, and Mr. Jabez Bunting, Secretary. Prior to the choosing of these officers, it was agreed (contrary to former practice) that all who shall have travelled fourteen years, shall vote in the choice of the President and Secretary. All such, who were present, voted by ballot, along with the legalised Hundred.”

“At the same time, it was agreed, that whereas we had formerly

filled up the vacancies in the Hundred according to seniority in the candidates, that henceforth, when there are four vacancies, three of these shall be filled up by seniority, and the fourth by the ballot of the Conference, without regard to seniority. It was upon this ground that Mr. Bunting was chosen a member of the Hundred, and thereby became eligible to the office of principal Secretary to the Conference." — *Portraiture of Methodism*, p. 160.

Ambition, thus trampling on the rights of the senior preachers, who, by patient labour and long service, were become entitled to admission under the old regulation, but were now rudely thrust back, eagerly seized the propitious moment, and by a bold effort leaped first into the Hundred, and then into office, without waiting to take breath! The great object being now realized, the party for some time conducted itself with tolerable propriety. They required this time gradually to fill up their ranks, and consolidate their newly acquired strength. There was, also, still a sufficient number of the old men of weight and influence to command respect. But these gradually declined and died. At length their number became small, and they were soon made to feel the full effects of their imprudence! But our object is not an attack upon the Conference; we therefore, notwithstanding we are thereby prevented a just exposure of your party, throw a veil over many things which we should otherwise state. It was necessary, however, to go thus far into particulars, in order that we might understand what that government is, which claims an appellant jurisdiction over the Connexion, and the final decision of every question affecting the local interests and the religious rights and privileges of the circuits and societies.

5. That Mr. Wesley ever contemplated any such jurisdiction as vested in the Conference, is not probable, from the fact of his total silence on the subject. Where does he ever intimate such a thing? Mr. Wesley established in the Conference an absolute jurisdiction over its own members, the preachers; and against them an *appeal*, therefore, *always* lay to the Conference. It is by not distinguishing this right of appeal against preachers, from that which you are anxious to establish against the local jurisdictions, as well as from the acknowledged inattention of our people generally to the principles of our constitution, that some colour has of late been given to your novel claims. But Mr. Wesley's opinion of the judgment of synods and conclaves generally, may be gathered from the account he has inserted in the Magazine of the Synod of Dort. Episcopius, one of the Remonstrants, said, as he went out of that assembly, "Let God judge between the synod and us, concerning the crafts, the deceits, and the lies laid to our charge!" The Leeds people, we believe, are now saying pretty much the same thing concerning the treatment of their case by the last Conference! And what else can we say, when we turn to the Minutes of the last Conference, to your "Affectionate Address," and to the Methodist Magazine? The passage, however, to which we allude, is as follows: "Some foreign divines expressed a great uneasiness at the transactions of the synod against the Remonstrants. They said, 'the Remonstrants have been wronged; they should not have been treated in that manner. We have been imposed upon by the Moderator (the President) and his cabal, who formed a synod among themselves, and concerted in private those things which they had a mind to bring to a good issue.' Martinus

told his friends, 'I believe now what Gregory Nazianzen says,* that he never had seen any council which had a happy success, but rather increased the evil instead of removing it. I declare, as well as that father, that I shall never more set my foot in any synod. O Dort! Dort! would to God I had never seen thee!' The same divine, having met a Remonstrant, told him, 'the synod is a mere farce, in which the politicians act the main part.'" We fear the Leeds people will think we are stating their case as it was disposed of at the last Conference; and especially, if we add, "The Remonstrants complained that they had been expelled for refusing to be judged by their adversaries. They said, it was no new thing to avoid the decisions of a partial synod;—that many doctors of the church, both ancients and moderns, had refused to appear before such assemblies; or went away when they perceived that their enemies were to be their judges; that, for the same reason, the Protestants would not submit to the judgment of the Council of Trent. They added, that in all civil courts a suspicion of partiality was one of the main reasons to except against a judge. They complained particularly of the Moderator," &c.—*Arminian Magazine*, vol. i. pp. 55, 148.

It was not to be expected, that after all this, Mr. Wesley should vest any such jurisdiction as that now claimed in the Methodist Conference. He did not, in fact, do so! He constituted the Conference for the sake of the Itinerancy; and he defined their powers by the Deed of Declaration of 1784. But neither in this deed, nor in any other document, did he ever authorize the Conference to hear and determine appeals from the local jurisdictions of the circuits and societies. On the contrary, he limited the sittings of the Conference to three weeks, at the utmost; a period which, considering the other business of the Conference, is utterly incompatible with the jurisdiction thus attempted. But we will not at present enter into the question of the Constitution of the Conference as a Court of Appeal. To those who have any acquaintance with such matters, the very idea is ridiculous.

This appellat jurisdiction, then, was not derived from Mr. Wesley; much less was it admitted by the delegates of 1795 and 1797! In the Plan of Pacification, the Concessions, and the Code of Laws, although these documents admit and invite appeals against travelling preachers, yet there is not a hint nor an allusion to any such power or jurisdiction in the Conference over the *local* presbyteries. Neither do we find any trace of it in the Minutes of Conference, nor in any of the writers on the constitution of Methodism; nor even in the *Magazine*. But of late that publication has been made subservient to the purposes of your party. Like the new jurisdiction claimed for special district meetings in *local* affairs, this appellat jurisdiction of the Conference rests entirely upon your novel and perverse construction of the Miscellaneous Regulations of 1797—you can adduce no other authority for it! In the absence, however, of all authority on your part in support of these novel and unfounded claims, we shall, in our

* The passage from Gregory is as follows:—"Equidem ut vere quod res est ascribam, prorsus decrevi fugere omnem conventum episcoporum; nullius enim concilii bonum exitum unquam vidi; concilia enim non minuunt mala, sed augent potius."—"To say the truth, I am utterly determined never to come to any council of bishops; for I never yet saw a good end of any council; for councils abate not evils, but rather increase them."

next section, produce you a direct and unimpeachable testimony against them.

XVI. We come now to meet a general objection to our "position," that "the Conference should not interfere," in any cases whatever, with the local jurisdictions;—that is, in the trial of local officers, the admission and expulsion of members, and the general management of local affairs. This "position," you tell us, "although much empty effort is used to deceive (all the deception is on your side, and it is very gross!), is *most easily refuted* by the fact, that this is a discovery for the first time made. It was never so understood, certainly, by preachers or people: never urged in any former dispute." The paragraph from which this passage is quoted, and which has excited our compassion, as being one of the most intemperate and splenetic in your book, thus concludes,—"Its novelty is, however, fatal to the argument; for a practical principle could never have been kept out of sight for more than thirty years."—Watson, p. 21. For your sake, we have suppressed the *personal* abuse which you have mixed up with the above argument.

To expect a man to reason whilst in such a temper, were in vain, we are not surprised, therefore, to discover here the same confusion of ideas, and the same want of precision, both of thought and argument, which distinguish you throughout. Our position is a *negative* position. —We *deny* the right of special district meetings and Conference to *interfere* in *local* affairs, except in the case of travelling preachers. You have not coolness, however, to distinguish between what is *negative* and what is *positive*! and, therefore, we are told that a *practical* principle could never have been kept out of sight for more than thirty years! That is true; but the practical principle is all on your side, not on ours! You claim the right of interference; this is the only practical principle involved in the question. Like most men, therefore, under the influence of strong passion, you have only injured yourself by this argument. As against us, it is utterly inapplicable and nugatory. But, as against yourself, it is a very good argument; and by it we have, at page 69, overturned your whole theory; "a practical principle could never have been kept out of sight more than thirty years!" Where, then, are your former special district meetings, resembling that at Leeds? —where the votes of thanks and resolutions of the Conference, relating to such meetings? We have requested you to favour us with a sight of these printed resolutions and thanks.

But our position is "*most easily refuted*" by the fact of its "*novelty*!" We do not wish to break a bruised reed, and therefore pass direct to the argument. Many publications have appeared on the subject of the Methodist Constitution, since 1797; but not one that we ever met with, even hints at this right of interference by special district meetings, or at an appeal from the local jurisdictions to the Conference, in the matters in question. Mr. Myles, in his *Chronological History*, and Mr. Crowther, in his *Portraiture of Methodism*, both old preachers and parties to the treaty of 1797, have carefully set forth the powers and jurisdiction of the Conference and of district meetings; but they are evidently both strangers alike to the right of interference, and to the appellative jurisdiction! Several attacks on Methodism have appeared, in which the Conference has been charged with assuming and exercising tyrannical powers. The Concessions made to the people, in 1795 and 1797, have, in answer, been invariably pleaded, to show that the Conference claimed and exercised no *arbitrary* or

absolute power. All these publications, both histories and defences, treat of the Concessions; and particularly of the right of leaders' meetings, &c., in the admission and expulsion of local officers and members of society; but they all understand them as *positive* and *absolute*! There is no intimation of any right of interference in *extraordinary* cases; of any exceptional power to suspend the laws of the Connexion; or of any appellant jurisdiction! All these phantoms have sprung up with your party, and are only to be found in your modern publications! Now, "a practical principle could never have been kept out of sight for more than thirty years;" if, therefore, such rights ever existed, there must have existed some trace of them in Methodism!

But we are to prove everything, *negative* as well as *positive*; and, undertaking what you have no right to expect from us, we promised you, in our last section, a direct and unexceptionable testimony against these novel claims.

In the year 1804 there appeared an anonymous pamphlet, entitled "STRICTURES ON METHODISM, by a CAREFUL OBSERVER;" with a Latin motto in the title-page, which sufficiently indicates the character of the work. The writer, like yourself, deals only in general matters, and does not profess to go into particulars! His main object was a violent attack on the rights conceded to the local meetings by the Conference of 1797. Being of the true *ultra* school, he could discover nothing in the demand for these Concessions, but "the disorganizing spirit of the times," and "the mania for chimerical rights which was desolating Europe!" He could, moreover, talk us freely and as roundly as you and your party do, about anarchy, faction, insubordination, a capricious oligarchy, and a world of nonsense, which however it may apply to civil states, can have nothing to do with a voluntary religious society, in which men can only be ruled by conviction of what is right and proper. When we hear you mourning over the loss of absolute power by the Methodist Conference, we could almost vouch that you had stolen your dolorous dirges from the pages of this writer; for you vent the same heavy and plaintive notes, and in the same melancholy key! However, this author, though an enemy to our liberties, was an honest man. He betrays, unhappily, the spirit with which our fathers had to contend in 1797, when they wrung from the Conference this acknowledgment of their just and scriptural rights (we do not mean *popular* rights, we have never contended for them; we mean the rights of the *local* presbyteries,—of your co-ministers and co-pastors, the local preachers and leaders), but he does not, like you, attempt to subvert and deny them. We extract the following passages from this pamphlet:—

"The Conference, for the sake of peace, conceded to the clamorous faction who called themselves the people [the delegates of 1797! whom Mr. Vevers calls 'the friends of religious liberty, and of primitive and genuine Methodism'] one degree of authority after another, till they *put it out of their own power* to dismiss a leader from his office without the sanction of a leaders' meeting; or take a preacher, however qualified, into their Connexion, if a majority at a quarterly meeting should express its disapprobation. The leaders' meeting *being constituted judges of themselves and the people*, the transition was easy to their determining that no preacher should be continued a second year, if they resolved on his removal. This last degree of authority they assumed, for it was never conceded; but this does not

prevent their exercising it, *without control, nor is there any appeal from their decision.*"

Again: "Beside, should the latter (the preachers) through passion or prejudice decide unjustly, the injured party may have *THEM* called to account for their conduct at the annual district meetings and Conference. In these assemblies, *charges against preachers from any quarter* are duly attended to; and every degree of weight is allowed to them which they justly merit. But *according to the new disorganizing plan adopted* (the Concessions of 1797), however unjust the decision of a leaders' meeting may be, the injured party *HAS NO APPEAL.*"

The above quotations are sufficient; in them is contained all for which we contended in our Address and Resolutions; viz., That travelling preachers *only* are amenable to district meeting;—that, by the Concessions and Code of Laws of 1797, leaders' meetings are constituted judges of *themselves and the people*;—and that their authority in these matters is *without control and without appeal*. Now, all this was published five and twenty years ago! What, then, becomes of your assertions, that the discovery was first made by us, and that it was never so understood, certainly, by preachers or people? Where now is your "most easy" refutation; and how is the novelty of our position fatal to the argument? Did you make all these assertions in total ignorance? That is hard to believe! but if we should admit such a palliation, for it is no excuse, what shall we say to the unmeasured abuse and *personal* insult, which you have mixed up with this pretence of novelty, and which now turns out to have no better foundation than your ignorance?

We adduce the above quotations, however, not merely to free our construction from the charge of *novelty*; but as a direct and unimpeachable testimony, from a very competent authority, in support of that construction. The pamphlet from which they are extracted, was written, as you doubtless are aware, by a Methodist preacher, of some note amongst you for intelligence and information; and who, a few years ago, was connected with the Magazine. What is still more important, he was one of the 145 preachers present at the Conference of 1797, who actually made the Concessions in question, and signed the solemn declaration, which we have copied from the Minutes of that year, as "voluntarily and in good faith" approving of, and engaging to comply therewith. Seven years after, he thought proper to publish his opinions on Methodism; and he openly avows his hostility to "the ceded and assumed powers of leaders and stewards." Was such a writer likely to overstate the powers he had concurred in granting?—or, did he not, after seven years' experience and reflection, fully understand them? His book was generally read: was it ever intimated, that this "Careful Observer" had misinterpreted the Concessions of 1797? We understand these Concessions precisely as he did; as they have often been explained to us by the old preachers; some of whom yet live, and who will not, and dare not, attest your new interpretation to be the correct one; and, therefore, several of these old men either withdrew, or voted against you, whilst others, though present, voted not at all, in the Leeds case, at the last Conference! We understood these Concessions as they were undoubtedly understood, both by preachers and people, until your party began their efforts to explain them away; and until you invented your novel counter-checks to overturn them. The present controversy, therefore,

differs from all former controversies on the constitution of Wesleyan Methodism in this;—that whereas, in all former disputes, the complainants have proceeded to demand a reform, or proposed alterations in that constitution; but, in the present case, we demand *nothing new*; we propose *no alteration*; we seek *no reform*: but, appealing to the constitution as laid down in 1797, we boldly and confidently charge the Methodist Conference (we mean your party) *with direct breaches of faith and treaty, and with open and shameful violations of that constitution!* You stand accused before the Methodist public and the world. A false delicacy alone would prevent our adding, you stand convicted!

XVII. It remains that we take a brief notice of some of your verbal criticisms on the Miscellaneous Regulations of 1797. This task, indeed, is now become wholly unnecessary, as far as the main question between the Conference and the local presbyteries is concerned; for, having already shown that these Miscellaneous Regulations are no part of the constitution, as settled by treaty between the Conference and the delegates of that year, and that they were never understood as relating to the people, it matters but little what construction you may choose to put upon them.

Your verbal criticisms, indeed, can scarcely be deemed an attempt to shake our construction of such of the Miscellaneous Regulations as fell under our review, in the Address of this Circuit to the Conference. As we have already remarked, you pick out certain detached phrases from these rules, and annex some parenthetical exposition or gloss of your own; but which remains wholly unsupported by either authority or argument! Take, for example, your exposition of the first of the Miscellaneous Regulations. We copy the passage, so far as concerns our argument, verbatim; giving the selected passages from the rules in *italics*, and your glosses in the ordinary type.

“One of the provisions which follows, is that I have already adverted to, which empowers the President, ‘*when written to by any concerned,*’ preachers or people, ‘*to visit any circuit, and to inquire into their affairs with reference to Methodism,*’ a very general subject of inquiry; ‘*and, in union with the district committee, redress any grievance,*’ which must, of course, include all the evils that may be complained of, and which ordinary means were found inadequate to redress, whether the cause of the evil were a preacher or a local officer.”

Here is assertion enough, and all to be thus taken as “OF COURSE!” But there is no proof—no argument! And do you think, that this interpolation of the rule, with your mere exclamations and glosses, will be taken by any man possessed of ordinary sense, for an answer to the current argument of the London South Address; and particularly, to the general summary of that argument on this very rule, given at page 13 of that Address? We think no man, capable of reading this controversy, can be so weak. Answer from us is, therefore, quite unnecessary. Besides, we owe something to ourselves. There is a point below the level of which we cannot condescend. We therefore simply refer the reader back again to the London South Address. We have there fully and unanswerably proved, that this rule relates exclusively to the disturbance of a circuit by a travelling preacher. The inquiry is intended to ascertain the nature and degree of such preacher’s misconduct and imprudence; as well as to point out the particular redress which the circuit may be entitled to claim from the President and

the district meeting. It is proper, however, to meet here a charge which, towards the close of your pamphlet, you perpetually throw out against our method of quoting the Miscellaneous Regulations, in our Address to the Conference. In that Address we never professed to give all the rules relating to district meetings; nor all the Miscellaneous Regulations; and for this plain reason, they were *miscellaneous*, and several of them, therefore, had no relation to our subject. Our business was, not with district meetings *in general*, but with *special* district meetings; and particularly, with the right of such meetings to interfere in the *local* affairs of the circuits, where neither the conduct nor appointment of travelling preachers were concerned. Of all such rules as related to the subject we professed to give, and we have faithfully given, a true and literal copy. Those rules stand in our pages to the letter, as they stand in the Minutes of Conference.

You charge us with quoting the Concessions "in no very creditable manner;" and add, "the words of Conference, if your agent had fully quoted them, are, 'our district committees themselves have hardly any authority remaining but a *bare negative* in general.'"

Let the reader now turn to page 7 of our Address to the Conference, where we profess to quote these Concessions, he will find the very words "*fully*," literally, and correctly transcribed! Thus, as usual, we are falsely accused and misrepresented! What is still worse on your part, whilst thus charging us with not quoting the passage fully, you suppress an important part of it; which, as we shall presently show, if you had introduced, would have overturned your whole argument in this very place! We give the whole passage, every syllable and every letter;—you suppress what makes directly against your argument; and, at the same time, have the face to accuse us of dishonourable quotation!

With the exception of a note, which we shall presently introduce, all your other complaints of misquotation are either general, and refer to no particular passage, and, therefore, cannot be confronted by a direct reference to the original rules; or, like the above instance, they are positively and absolutely false! This may be thought strong language, but we are accused of dishonourable conduct;—we therefore say, it is false! We have misquoted nothing; we have suppressed nothing; we have misrepresented nothing! Let the reader, who chooses to be at the pains, satisfy himself by comparing every rule with which we professed to have any concern, with the original rule, in the Minutes of Conference; and, if he can detect the omission or variation of a word or a syllable, he will do what we have not been able to do, after the most careful and exact examination?

We now introduce an admirable specimen at once of the *spirit* and the *integrity* of the party against whose usurpations we have ventured to raise our voice. We say, of the *party*, because, although you are the author, the slander has been fully adopted and re-echoed in the Methodist Magazine; or rather, in what was once the Methodist Magazine, but is now the perverted organ and engine of your party. It is as follows:—

"This intermediate rule is artfully left out, by the writer of the Address, for the sake of a dishonourable quirk. He would thus the more plausibly interpret the third of these regulations by the first; but even this does not serve his turn, for he is obliged to leave out a part even of the first!"

The charge brought against us in this "*affectionate*" note is

twofold ; first, that we have omitted a part of the first of the Miscellaneous Regulations, relating to districts ; and secondly, that we have wholly left out the second of these Regulations.

1. To the first of these charge we have none other reply to offer, than that already given,—it is false ! What more can we say ? The original regulation stands in the Minutes of Conference for 1797, vol. i. p. 378. It is transcribed in our Address, p. 7, 8. Not a word, not a syllable, not a letter, is either omitted or altered ! The copy is literal, faithful, and correct ! Will the reader believe this ? Let him examine for himself. But the Methodist Connexion is not yet aware how far a preacher of your party (God forbid that we should be thought to speak here of Methodist preachers in general) will go, in order to traduce and vilify an opponent whom they cannot otherwise answer !

2. As to the second charge, that we have wholly omitted the second of these Miscellaneous Regulations, “for the sake of a dishonourable quirk ;” we reply, that we have omitted several of these regulations for the very same “quirk ;” or rather, for a very good and sufficient reason, viz., that they have no bearing on the question, and are not calculated to throw any light upon it ! You were fully aware of this ; and, therefore, whilst thus abusing us, you carefully, though most disingenuously, abstain *in this place* from quoting the rule, for its production would have put you out of countenance ! You therefore content yourself with telling us, that “it is a provision made expressly for cases of a specially ‘critical’ and ‘extraordinary’ nature !” We must now produce it for you. In the Minutes of Conference it stands thus :—

“The chairman of each district, in conjunction with his brethren of the committee, shall be responsible to the Conference for the execution of the laws, as far his district is concerned.”—Minutes, 1797, vol. i. p. 379.

Thus the simple production of the rule is an answer to your complaint ; for the question between us is, whether districts are at all “concerned” in *local* affairs, except as regards travelling preachers ; and, as the regulation limits the responsibility of the chairman to extend only “*so far as his district is concerned*,” it is clear that our question must be first decided, before this regulation can have any bearing on the subject ! You cannot pretend that there is anything in this rule to throw any light on the question ; or to determine whether districts are, or are not, concerned in local affairs. And can any absurdity be greater than to suppose that the Conference should make the chairman and preachers of the district responsible for the “execution of the laws” in our local meetings, of which they are not members, and at which they have no right to be present ? Who ever heard that the chairman of the district and his brethren were members of, and had a right to sit in, a leaders’ meeting ?

But this is not all. You are particularly unfortunate whenever you appeal to the laws in support of your newly-assumed powers ! The Conference, twice alarmed by these assemblies of lay delegates, were most anxious to prevent any future occasion for such assemblies. This could only be done by compelling the preachers faithfully to observe the treaties which had been made with those of 1795 and 1797. Hence this great anxiety in the Conference to have the laws executed ! And this anxiety continued for some years, until this dread of the lay delegates, in some measure, wore off. Thus we find,

that it was not only the Conference of 1797, but several successive Conferences, that enforced on the districts the observance of the laws ; and no rule of interpretation can be more fair and just, than to compare these several and successive injunctions, thus enforced from year to year. By this means we shall ascertain precisely what those laws were which the Conference were so anxious to have executed, and who were the apprehended delinquents. We select the following instances from the minutes :—

1798.—“ *Q.* Can any amendment be made in our yearly district meetings ?

“ *A.* Yes ; in the examination of character, not only morality and religion, in a general sense, should be kept in view, but a particular inquiry must be made, whether our rules, as set forth in the Large Minutes, are observed by each individual in every station.”—Minutes of Conference, vol. i. p. 416.

1799.—“ *Q.* It has been required by our Minutes, that the characters and conduct of the preachers, in respect to their fulfilment of the rules to which they have subscribed, should be particularly inquired into in the district meetings ;—have the district committees complied with this ?

“ *A.* Not so fully, we fear, as they should, in general. But we insist that in future all district committees shall be exact in fulfilling their duty in this respect.”—Minutes of Conference, vol. ii. p. 26.

From the above extracts it is clear, 1. That the laws, the execution of which is thus enforced on district meetings, are those to which the preachers had “subscribed ;” that is, the Concessions and Code of Laws, solemnly signed by the 145 preachers in 1797, for securing the newly-ceded rights of the local meetings against the encroachments of ministerial power ! Were any other laws of Conference so signed ? Were the Miscellaneous Regulations thus subscribed ? 2. That the parties, against whose violations these provisions are made, were travelling preachers, “in every station,” and the “particular inquiry” directed by these regulations, is into THEIR conduct, in respect to THEIR fulfilment of those rules. 3. That on this account, therefore, these strict injunctions are laid upon the chairman and committees of districts ; because, as travelling preachers, the apprehended delinquents are subject to their jurisdiction ! The necessary consequence of all this is, that every one of your arguments in favour of a right of interference in local affairs by special district meetings, derived from this injunction, “to execute the laws,” falls to the ground ! Instead of omitting this regulation, “for the sake of a dishonourable quirk,” and “to serve a turn,” our turn is thus evidently served by its production ! It is altogether in favour of our construction, and was intended by the Conference of 1797 as an additional guarantee and security of our rights and privileges against your encroachments, if you had the good faith to execute it ! Thus the “quirks” and “turns” are eminently your own ; and you have, doubtless, earned to yourself, by this display of ingenuity, a renown which can only perish with your name !

The fourth of the Miscellaneous Regulations of 1797, relating to districts, we had also omitted in our Address to the Conference. This regulation is so manifestly foreign to our question, that you do not indeed accuse us of omitting it “for the sake of a dishonourable quirk ;” but you, nevertheless, drag it in, as an illustration of a

general right of interference even with quarterly meetings. It is as follows :—

“The Conference recommends it to the superintendents of circuits, to invite, on all important occasions, the chairmen of the respective districts to be present at their quarterly meetings.”—Minutes of Conference, vol. i. p. 379.

We notice this “attempt” as a very fair specimen of your method of construing the rules of Conference, and working out your “inherent rights.” Having simply quoted this recommendation “to invite the chairman to be present;” you add, “and thus to interfere officially, by advice and influence, in the local affairs of circuits.” Thus, by a gloss entirely your own, and wholly unsupported, an *invitation* “to be present;” is unceremoniously converted into a *right* “to interfere officially!” Still this can only apply to a chairman; yet, in eight lines more, which you expend in abusing us, this chairman, by another “turn,” swells into “the Methodist Conference or any district meeting!” And the right of these interlopers “to interfere officially,” is made out from this mere recommendation “to invite the chairman” to be present at a quarterly meeting!!! This is getting on pretty fast; but pray pause one moment, and reflect—

1. That no right whatever is here vested in the chairman, for it is implied that he cannot enter a quarterly meeting on his own authority, but must wait for an invitation.

2. That the Conference, having just entered into a solemn covenant with our fathers in 1797, could have no right after that to alter the constitution of our quarterly meetings; and to strengthen its own influence in such meetings by the introduction of new *official* representatives. The only representatives of the Conference which we acknowledge in quarterly meetings, are the travelling preachers of the circuit. The Conference of 1797 were fully aware of this, and therefore they venture here on a mere “recommendation.” It is not a rule; for such a rule the Conference, on Mr. Vevers’ principle, had no power to make; and no right can flow from a recommendation.

3. Much less has the superintendent a right to alter the constitution of our quarterly meetings, by the introduction of new official characters. Whether, therefore, he can comply with this recommendation “to invite the chairman,” must depend upon whether he can obtain leave so to do from the quarterly meetings.

4. And that there is some difference between “an invitation to be present” and a right to “interfere officially,” is proved by recent practice in the London circuits. With a view to preserve a kind and affectionate feeling between the circuits, it was usual “to invite” the preachers of all the London circuits “to be present” at all the quarterly meetings of the several circuits. These brethren came and dined with us, and we rejoiced to see them. But it was at length found that they brought with them rather too much of *l’esprit du corps*, and that it was impossible to prevent them from “interfering” in our discussions, which were thereby subjected to undue influence. Members of the quarterly meeting complained that they were borne down by a phalanx of preachers. We were, therefore, under the necessity of withdrawing these invitations, after some warm discussions; and simply because these kind friends could not be made to understand the distinction between “an invitation to be present” and a right to “interfere officially” in our affairs!

5. Your gloss is directly in the teeth of the rule of 1792, which

declares that the chairman "must never individually *interfere* with any other circuit than his own." This rule was republished by the Conference of 1797, and proves that they understood the difference between an "invitation to be present" and a "right to interfere officially."

Another case, in which you think we are "manifestly perplexed" (that is, which you have laboured hard to perplex), affords us no perplexity at all! It arises out of another of these Miscellaneous Regulations, by which, "in cases which, in the judgment of the chairman, cannot be settled in the *ordinary* district meeting, the 'power' of the district is to be increased by the addition of three superintendents [why did you omit here the words, three 'of the nearest' superintendents? was this a sore spot in the Leeds case?]; and the district, thus constituted, is to settle everything until the Conference. This 'settling everything,' you tell us, means settling matters of charge and accusation against preachers only, but allows of no interference with 'local jurisdictions.'" And pray, what is there in the rule, or in anything you have said upon it, to the contrary? May not an *extraordinary* case arise of the disturbance of a circuit by the folly or misconduct of a travelling preacher? Had not many such cases arisen previous to 1797? Was it not in relation to the Bristol case, in which preachers of the first consideration and influence in the Connexion headed the several contending parties, that this very rule was framed? And have no such cases happened since that period? You admit that our interpretation is correct, as far as it goes; but you wish to extend it to the people. There is nothing in the language of the rule to countenance or justify such extension of its application; and it would be contrary to what we have abundantly proved to be the true object and design of all these Miscellaneous Regulations relating to districts. The rule, as we apply it, is proper and necessary. Suppose some leviathan of your party to be arraigned before a district meeting, for attempting some of your new schemes against the liberties of the church; might not the chairman, knowing the influence and strength of this party, justly conceive, that the district committee required to be strengthened, under this rule, by calling in, if he could find them, three neighbouring superintendents not of the party? But these Regulations, formed for the protection of the people, are losing all their value by the overgrown influence of your party, which renders it impossible to have them honestly executed! Thus, in the Leeds case, instead of putting Mr. Grindrod on his trial for his illegal conduct in suspending Mr. M. Johnson, in opposition to the judgment and verdict of his brethren, which was their proper business, the special district meeting suffered the real delinquent to escape, and taking part with him, they could find no redress of grievances for the people but in anathemas and expulsion! And why do you play upon the words, "settling everything?" Do these words really relate to every dispute, charge, or case, which may arise in the Connexion, so as to give you universal dominion; or do they obviously, and beyond dispute, extend to nothing more than "everything" relating to that particular case, to "settle" which, the three superintendents are called in? Nothing can be more absurd than your reasonings on this very rule; we might go on to expose them, as in other cases we have done; but it is enough! The language of these Miscellaneous Regulations, when taken in connexion with their evident design and object, is sufficiently clear and explicit. With the people, the Conference of

1797 had already treated; their rights were defined and settled by "the Concessions and Code of Laws;" and, having finished this treaty, the delegates broke up, and returned home. The Conference, however, had another party to deal with; viz., the preachers, whose conduct in the circuits had occasioned all these troubles.—In relation to them the Miscellaneous Regulations were framed. These Regulations very properly require, that, whenever a circuit is thus disturbed, the president shall visit such circuit, and inquire into their affairs with respect to Methodism,—an inquiry which is necessary, not only to ascertain whether the preacher be to blame, but also the nature and extent of his misconduct or imprudence. The President is then, "in conjunction with the district meeting, to redress any grievance, and to settle everything till the Conference," which alone has the power finally to deal with the accused preacher. Can anything be more natural and proper than this provision? "Aye! but," quoth you, "here are *affairs*, and *grievances*, and *inquiry*, and *authority to settle everything* mentioned in the rules!" and, abandoning the whole scope and design of the rules, you pick out and detach these delightful terms and phrases, and applying them generally, you put the whole Connexion under the ban of special district meetings, because, forsooth, they are to inquire into and redress the grievances inflicted on the circuits by imprudent or turbulent preachers, during the intervals of Conference! We have already told you that, in this way, anything that it entereth into the mind of man to conceive, may be readily proved from either Bible or Minutes!

It is thus that you reply throughout to all our arguments on the construction of the Miscellaneous Regulations of 1797! We should be ashamed to follow you any further; it could answer no end in fixing their true meaning and signification, which is already more than accomplished; and could only lead us to a further exposure of your "paltry sophistries," "dishonest attempts," and "artful and designing leadings" (we employ your own *affectionate* terms), of which we believe the public as well as ourselves will have had a surfeit. We lament, indeed, the effects of such principles and such conduct as your book exhibits, on a class of young preachers who ought now to be rising into eminence and usefulness in the Connexion, but the foundation of whose ruin will be surely laid, in their imbibing this *mania* about inherent rights and ministerial rule? Thus, a junior preacher, lately advanced to a superintendency, sporting in wonderful *naïveté* with the inadvertencies of a letter which appears to have been irregularly published at Liverpool, comes forward as a redoubtable champion at your heels; and tells his readers, "in proving that it (the London South Address) is essentially false in the statement from which its wonderful reasoning is projected, I was steady to my purpose!" We have a kind feeling towards this young man; and, therefore, we spare his follies, and suffer in him these absurdities to pass! but we advise him to seek a better model than can be found in your party, and to follow those only who follow Christ. Those ministers who imitate Christ and his Apostles in love to the church, are sure to gain the affections of the people. This is the only legitimate source of ministerial authority! He who rules by love, will never want the power to do good to the bodies and souls of men;—the only power which a Christian minister can lawfully claim!

We have repeatedly called for some instances, like that at Leeds, of special district meetings interfering to remodel and test leaders,

meetings, and to try local officers and members. Throughout the whole controversy on this case, however, no example of a similar case has been adduced. You have, indeed, mentioned a long journey imposed upon you, to hold a special district meeting under the rule of 1797; and, from your telling us that the men who called you to this task "had not then discovered that a circuit had an inviolable independency within itself," as well as from your suppressing all particulars, you would evidently convey to us that the cases were parallel! This is bad, very bad! The facts of that case are now before us; we would have entered into them, but they have already been partially laid before the public. Suffice it, then, to say, the charge there was brought by the people against the superintendent! It was, therefore, anything but a case in point! It was a case in which the interference of a special district meeting is admitted and contended for in our Address to the Conference! What are the public to think of the suppression of this fact? And this is the only case you can adduce in support of your novel construction of the Miscellaneous Regulations of 1797!

XVIII. Wearied with sifting all this empty chaff, and disgusted with these attempts to pervert the plain sense and meaning of the Miscellaneous Regulations of 1797, the reader will naturally be anxious to know what you intend to make of the direct Concessions of 1797; and how you will interpret the very large and liberal sacrifices in respect to authority, made by these Concessions to the local presbyteries! If you will persist in your novel and interested interpretation of these Miscellaneous Regulations, it becomes your duty to reconcile that interpretation with the solemn treaty made with our fathers; and to tell us what that authority was which was given up, in relation to district meetings, in 1797. But here you are greatly at a loss! In a pamphlet of thirty-one pages only, it is not until you reach the twenty-seventh that you venture even to touch on a point which forms the most important and decisive obstruction to your novel claims! And when, at last, we expect you are coming to the point, we find scarcely half a dozen lines of mingled assertion and abuse, before you fly off from the subject without attempting either argument or proof! We do not recollect to have seen, in any writer, a more miserable attempt to bolt on one side, and avoid an awkward question! "Speaking of their Concessions, they (the Conference) say, 'our district committees themselves have hardly any authority remaining.' But he has quoted them in no very creditable manner; for the 'authority' spoken of is not the authority of the districts in matters of discipline, for the same Minutes make the districts responsible 'for the execution of the laws' (here, whilst complaining of our quotation, you suppress the words, 'as far as his district is concerned,' which, as we have already shown, completely negative this assertion), but it is their authority in *financial* matters, and in them only; for the words of Conference, if your agent had fully quoted them, are, 'Our district committees themselves have hardly any authority remaining, but a *bare negative* in general.'"—Watson, p. 27.

After what we have already said, it can scarcely be necessary to inform the reader that this charge of mutilated quotation is, like all the rest of these charges, a positive falsehood! Let him turn to page 7 of our Address to the Conference, and he will find the whole passage literally and correctly transcribed from the Minutes of Conference. But here again, whilst thus unright-

eously accusing us, you suppress another part of the Concession, which overturns your position entirely, for it is immediately added, "but a bare negative in general, and the appointment of a representative to assist in drawing up the rough draft of the stations." This is certainly not a "financial" matter, and proves, therefore, that the authority of districts, thus given up in 1797, was not limited to such matters and "to them ONLY!" And so conscious were you of this, that this last clause of the Concession is not to be found in any part of your Address; you have suppressed it altogether!

That the "sacrifices in respect to authority, made on behalf of the whole body of travelling preachers," and of district meetings in particular—and of which sacrifices the Conference of 1797 make so great a merit—related "to their authority in financial matters, and in them ONLY," is as far from the truth as those other bold and hazardous assertions by which you painfully strive to uphold a bad cause. This will appear from the following considerations, several of which it was impossible that you should have overlooked:—

1. That the CONCESSIONS of 1797 are, as we have already remarked, arranged under distinct heads. The first *head* is thus entitled:—"I. In respect to finances or money matters." Under this head it is provided, that "all bills, &c., shall first meet with the approbation of the quarterly meeting, and be signed by the general steward of the circuit, before they can be brought to the district committee." Thus in *financial* matters the authority of the district is reduced to a "bare negative." But the second head of the Concessions is entitled—"II. In respect to all OTHER temporal matters," evidently in *contradistinction* to, and *exclusively* of, "financial matters," which were already disposed of under the first head. Now here, again, the very same restriction is repeated, and the authority of the district is thereby again reduced in these OTHER matters also to a "bare negative in general." From this simple statement, to go no further, your assertion falls to the ground, that the authority spoken of as thus given up "is their authority in *financial* matters, and in them ONLY."

2. Having stated the direct Concessions, the Conference of 1797 add a summary of them under six general divisions, as relating not merely to "financial" and "other temporal concerns" (in relation to which they distinctly and specifically declare that the "district meetings have nothing left them but a negative"), but also to the "admission and expulsion of members, the appointment and removal of local officers," &c. This summary being completed, the Conference proceed to state, in a concluding paragraph, what they conceived to be the general effect of these Concessions, and particularly in relation to district meetings. "We may," say they, "taking ALL THESE THINGS into our view [is it not unaccountable effrontery, when the Conference say "all these things," to contradict the direct Concessions, by excepting what had just been expressly conceded,—the right of *admitting* and *expelling* members, and *trying local officers*?], truly say, that such have been the sacrifices we have made, that our district committees themselves have hardly any authority remaining, but a bare negative in general [thus repeating this phrase in the general summary which they had before specifically applied to "financial matters"], and the appointment of a representative to assist in drawing up the rough draft of the stations of the preachers." Is there one word here that limits the authority, thus given up, *exclusively* to matters of finance? Is it not manifestly given up in relation

to "all these things" previously enumerated? The exceptions are stated, and they harmonise with the true construction. On what authority do you presume to add to their number by excepting "matters of discipline?"

3. That this surrender by the Conference of the "authority" of district committees, did not relate to matters of "*finance*, and to them *only*," is put beyond all question and controversy, by the nature of that particular exception, which, in every instance, you have carefully and studiously suppressed; and which, as we have already remarked, is not to be found in any part of your book! It is a fundamental rule of logic, as laid down by all the great masters of the art, that "*Exceptio probat regulam de rebus non exceptis*,"—"the exception proves the rule with regard to the thing ruled." In other words, you cannot except out of a grant or concession what was not contained in it. The thing excepted must be of the same nature, kind, or quality, with the thing granted. The thing granted is thus expressed by the Conference, "Our district committees have hardly any *authority* remaining;" and, in another place, "have *nothing* left them." The exceptions are, "but a bare negative in general; and the appointment of a representative to assist in drawing up the rough draft of the stations." Now, granting that the "bare negative" related to "matters of finance;" yet if the authority of districts thus conceded were "their authority in matters of finance, and in them *ONLY*," how could the right of appointing a representative, to assist in drawing up a rough draft of the stations, be excepted out of such a grant? This single rule knocks down all your attempts to limit these large and liberal "sacrifices in respect to authority" to "matters of finance *ONLY*;" and, with all who value reason and common sense, will settle the question for ever, in favour of that genuine construction which we, and the "Careful Observer" of 1804, have so fully established.

4. Your assertion, that it was the authority of district committees in "matters of *finance*, and in them *only*," that was given up in 1797, is contradicted on every hand. It does not harmonize with the other Concessions contained in the same treaty. If the Conference could not surrender what you so fondly term "the inherent rights of ministers and pastors," those rights must undoubtedly have been stronger in a superintendent, who has a direct charge in relation to the flock, than in any district meeting which, in its collective capacity, can have no such relation but through the superintendent. How, then, could the Conference surrender into the hands of the local authorities "by far the greatest part of the superintendent's authority," in all the various matters of DISCIPLINE enumerated under the several heads of the Concessions? Here you have the confidence to tell us, that the Conference could not, and did not, surrender a particle of this authority, but merely granted "certain checks upon its exercise!" But this is a gratuitous contradiction and falsification of the very language of the Concessions. The words of the Conference of 1797 are—"We have given up to you by far the greatest part of the superintendent's *authority*." You cannot endure this; and yet, unable to explain it away (for the language is too clear and express to admit of that), you press to the issues of a desperate cause by a flat negation of the conceded right. This is desperation indeed. It sets, not only reason, but honour and conscience, at defiance! Again: if we have really no ministry but that of travelling preachers,—if all our discipline belongs to them *exclusively*, as of *inherent* right,—what

becomes of the great "sacrifices in respect to *authority*, on the part of the whole body of travelling preachers," made by this Conference? Are all these matters, notwithstanding the express language of the Concessions, to be interpreted as belonging to "matters of finance, and to them *only*?" Truly you are very much out of your place as a Methodist preacher with such notions as these. But away with this folly! There were certain preachers in 1795 and 1797, who, like the men of your party in the present day, began to push the powers of districts beyond the just boundary. They assumed as against the people what, as we have shown in our Address to the Conference, had only been granted to them as against travelling preachers; and, arrogating to themselves supreme authority over the local jurisdictions, they roused the Connexion to a determined stand against their encroachments. This is matter of fact and history.* An appeal to the pamphlets published prior to the Conference of 1797, will abundantly prove that the reform of districts was one main and general object with our fathers. You admit that the Conference made some Concessions as to *financial* matters (which does not appear to have been at all a *special* ground of complaint against the district meetings), but, as to what was the real cause of complaint—their interference in matters of discipline—you think the Conference answered the men of 1797 by enacting the Miscellaneous Regulations—that is, according to your interpretation, by doubling the powers complained of! You thus make the Conference answer the delegates as Rehoboam replied to the men of Israel, "My father chastised you with whips, but I will chastise you with scorpions."—1 Kings xii. 14. And we are to believe, that the delegates of 1797 rose up and thanked the Conference for all this kind consideration, and for their very liberal Concessions!

But you add, "If the authority there spoken of as given up, were the authority of interfering with your local discipline, you yourselves acknowledge that the Conference have retained at least 'a bare negative' upon your proceedings, which is no small degree of interference."—Watson, p. 27. Thus, a "bare negative" is no small positive! The reservation, moreover, is to the district meeting, and not to the Conference: why change the terms? We have told you that this expression occurs as a repetition in a *general summary* of what had been previously *specifically* applied to matters of finance, and other

* The preachers of that day, as in the present, contended for the necessity of this power, in *local* affairs, on the same ground on which district meetings had been originally introduced in relation to the preachers, viz., as a substitute for Mr. Wesley's authority. This argument was met by a demand, on the part of the people, that lay delegates should be incorporated with the district committee; and this was a main principle in the plan of executive government submitted by the delegates of 1797 to the Conference. The Conference of 1797, rather than admit the delegates into either Conference or district meeting, gave up the power of districts, thus newly claimed. We think no impartial man can read the controversy and Concessions of 1797 without coming to this conclusion. The old preachers, immediately concerned in framing the Concessions, know it to be the fact, that all the pamphlets and resolutions, on the part of the people, insisted on this point, viz., the admission of lay delegates. And that the point was given up, only in consideration of "the great sacrifices in respect to authority" made by the Conference, "on the part of the whole body of travelling preachers," and of the district meetings in particular. We have not space for quotations from these pamphlets, but the notice contained in the Miscellaneous Regulations themselves respecting delegates, is sufficient evidence that this point was urged.

temporal matters. But, if you will have it that the negative applies to discipline, some of those *other* matters related to the superintendent's authority, and not at all to districts. Was the superintendent's authority then reduced to a "bare negative?" We frankly admit, however, that a negative is reserved to districts in such matters as, by the established usage of Methodism, come ordinarily before the district. The declared object of these Concessions is to *reduce* the power both of superintendents and of district meetings; and it would surpass, we presume, even your ingenuity, to found on these Concessions *an extension* of their authority. There are matters of *finance* as well as of *discipline*, with which district meetings never pretended to have any concern; such are the accounts and matters *ordinarily* transacted at leaders' meeting and quarterly meetings: and there are similar matters with which district meetings are properly and Methodistically concerned; such are the accounts of deficiencies, &c., passed through them to the Conference; the calling out of young men to travel; and, in general, whatever is of direct and permanent interest beyond the precincts of the circuit. In all these matters, and even down to the erection of organs, or any other affair in which the consent of the Conference is required, we have never denied, but fully and freely admit, that the district meetings have *a negative*. We do not wish to impair the authority of district meetings, or to lower it beyond the point to which it was reduced in 1797; but we wish to keep to that point! It is, however, a waste of time and words to argue such a question with one who suppresses all his knowledge and experience of Methodism, in order to perplex and confound what to him must be perfectly plain, and who raises the point only that it may serve as a vehicle of personal abuse and misrepresentation!

XIX. The firm and decided steps taken by this circuit to maintain, within its own borders at least, the Concessions and Code of Laws of 1797, you have thought proper to stigmatise as the setting up of Independency! To the unthinking and the ignorant, words, until explained, are sometimes terrible *bugbears*! We, however, are not children, to be frightened at so harmless a word. What, we pray you, do you mean by Independency? Dr. Coke, in 1794, declared that the Conference was the most perfect aristocracy existing, perhaps, upon earth! The doctor did not think this state of things was exactly as it ought to be; and our fathers, in 1795 and 1797, positively refused to submit to it. They felt that, even in Methodism, they had rights; and rights worth preserving to themselves and to their children. They, therefore, stood up in defence of those rights; and compelled the Conference to acknowledge them. Now, Methodism, under this change, did not become Independency; that is, its several circuits and societies did not become Independent churches; nor did they assume a popular form of church government, in the strict sense of the term. But she broke from off her neck the yoke of an absolute government; elevated her local presbyteries to a station and condition which should command respect; and acknowledged as vested in her local jurisdictions certain powers and prerogatives, in the exercise of which they became so far Independent, as that neither Conference nor district meeting can lawfully interfere to coerce or overrule them. These powers, rights, and privileges are set forth in the Concessions and Code of Laws of 1797. So far as they go, we set up and maintain the Independency of this circuit. But we claim no further or other Independency. The general and undefined charge of Independency, which

you prefer, is evidently designed to raise a prejudice against us, as though we wished to burst asunder the bands of the Connexion; and it is, therefore, to be classed amongst those other slanderous insinuations, as unfounded as they are ungenerous, by which, in your extremity, you would misrepresent and discredit a righteous cause. Look at the Methodism of the London South Circuit for several years past; and tell us whether you are honest in representing us as "aiming at Independency?" In our Address to the Conference we declared that we were content and satisfied with the system thus established in this circuit. Does it differ in any material respect from the Methodism of every other circuit? We admit the right of the Conference to appoint preachers to all our chapels: is that Independency? We admit all the Methodistical rights of the superintendent, the same as in the other circuits; particularly his right to preside in all our local meetings; to nominate all our officers, subject to the election of the local authorities; and to regulate, according to usage, all our religious services: is all this Independency? We admit all the established rights and ordinary powers of the Conference and of district meetings: will Independency admit any of these things? In short, have we altered, or attempted to alter, anything relating to Methodism in this circuit. You know that we have not! You know that we oppose nothing, and object to nothing, except your novel and interested constructions of Methodistical law, your bold and unjustifiable re-assumption of absolute power, and your newly invented counter-checks, by which you seek to undermine and destroy the Concessions and Code of Laws of 1797.

Although it were impossible to expose all the sophistries and absurdities of your book; and notwithstanding our reluctance to enter into your speculative questions has induced us to pass over many of them; yet we are constrained to notice the strange inconsistencies and deceptive reasonings on which you have founded this charge of Independency. We therefore quote a few passages.

"The religious body to which we belong is a CONNEXION; that is, a number of societies who have agreed to unite themselves in a *common bond* of doctrine and discipline, under a *common code* of regulations and usages, and under a COMMON GOVERNMENT. Our societies are not INDEPENDENT churches."—Watson, p. 4.

Now, if, as regards the present controversy, this be not talking and saying nothing, it is something like it! Every government is *common* to those who live under it. By the common government, you evidently mean the supreme and *absolute* government of the Conference, of which you say, "As a Connexion we look up to it, as the *common* governing body, to which all are subject." This word *absolute* was not convenient; it was better to talk indefinitely about a *common* government! But the question is, whether the Conference be an *absolute* government? Whether it were so, or not, anterior to 1797, it has not been so since that period. Englishmen are not partial to absolute governments; and, therefore, it was against this pretended absolute government of the Conference, that our fathers rose up in 1795 and 1797. From that time to the present, the Conference has had no more to do with the ceded rights of the local presbyteries, than the king's ministers have to do with the chartered rights of the city of London. Thus, your first and main position is false, and all the reasoning you found on it falls to the ground!

On the fact of our being a Connexion, we cannot but admire how

your feather waves to the wind. In the resolutions of the last Conference we were loaded with abuse, for pretending to interfere with the affairs of another and a distant circuit, with which, it was said, we had NO CONCERN! And, at the close of your Address, you are again terribly afraid of our being a Connexion, and charge us with having "gone out of our own *local* jurisdiction." "You have," say you, "gone into the 'local jurisdiction' of the Leeds circuit, and into that of mine also!" Both these charges are wholly unfounded, but no matter; they illustrate your notion. Here is a CONNEXION, in which the parties *connected* have NO CONCERN with each other! No: not even to sympathize in each others' wrongs, and to assist one another in maintaining the "common bond of doctrine and discipline, and the common code of regulations and usages!" Being supreme and absolute, you are to exercise whatever powers, and effect whatever mischief you please, in any circuit; and all the other circuits, though connected in these common bonds, are to be altogether passive! *connected* indeed, but not *concerned*.

The truth is, that Mr. Wesley's societies were called a CONNEXION, because of their connexion with him, and not with one another. Thus they are described in all the Chapel Deeds, as "the Society of people called Methodists, late in connexion with the Rev. J. Wesley, deceased." Beyond the association of a few distinct societies in a circuit, they never had any connexion one with another, except through Mr. Wesley. Since his death, our CONNEXION has been with the Conference; and therefore, you are quite right in telling us, that as a circuit we have nothing to do, either with your circuit, or with Leeds. As individuals, as men, and free men, we talk, and write, and travel, when, where, and with whomsoever we please, without asking your leave; but as a Methodist circuit, we have not interfered with anything but what concerned us. Your President ordered certain inflammatory publications to be circulated in our circuit; and we addressed the Conference on the subject. The Conference, ruled by a faction, entrusted a man of unhappy temper to draw up certain resolutions on the subject; and he insulted, abused, and misrepresented us, in the name of the Conference! We, although compelled to charge the Conference *ostensibly* with violating the Constitution of 1797, yet, anxious to leave them a door of escape from this discreditable affair, directed our Resolutions, of the 23rd September last, chiefly against the real authors of the mischief. Then comes out the "Affectionate Address" of the Rev. Richard Watson; and who shall say, that so much *affection* did not demand a reply? Whether the Conference or your party can gain anything by this system of attack and reply, it is not for us to say; but there are who think, that you would be wiser to let us alone.

But you inquire, how the leading principle in our Address and Resolutions, "which is, that leaders' meetings, &c., are local jurisdictions, into which no district meeting or Conference has the power [right] to intrude, accords with our connexion with, and subjection to, the whole body?" Our answer is short and simple: The only Independence we claim, the only principle we lay down, is derived from the fundamental laws which form the basis of our union. This we have abundantly proved. But why do you mislead, by changing the terms of the argument? Why talk of our "connexion with, and subjection to, *the whole body*?" Was it ever pretended, that one circuit was in subjection to another, or to all the others put together?

Is it not clear, that you are contending, not for our subjection to the *whole body*, but to special district meetings and the Conference? Is it not equally clear, that, on every point, you are afraid to state your positions in plain English, and are fain to dress them in an illusory garb?

Having been thus charged with the design of introducing Independency, and abused as contending for popular rights, we perhaps owe it to ourselves and to the Connexion to declare, that for these matters, beyond the just principle laid down in the Plan of Pacification and the Concessions and Code of Laws of 1797, we have no great inclination. Had our principles and feelings harmonised with systems more popular than that of Wesleyan Methodism, we presume that the doors of the Independent Churches are open to us; or we might have found ourselves at home in the New Connexion. We think, however, that it would be no advantage to Methodism, that every new convert, or awakened person, who may be just beginning to direct his attention to spiritual things, should be called to decide upon the important concerns of the church, which frequently demand the most serious deliberation of wisdom and experience. We think it sufficient, without closely examining the abstract right, that every such person should be at liberty to choose his own leader, from among those whom the local presbytery has appointed to that office; and that he has the means and opportunity, either through his leader or by direct communication (as we trust every individual in Methodism has), of bringing any and every question of importance before the leaders' meeting. Spiritual gifts, and even the qualifications necessary to serve the secular offices of the church, are not derived from the church, but from God. The church, however, must approve and judge of such gifts and qualifications. If any man is found to possess them, so long as Methodism continues what it has been, it will be his own fault if he have not the opportunity of exercising them. The church, perceiving the excellency of the power and the gift to be of God, will not be slow in appointing such a man to office. He will thus rise, by his talents and piety, to a station which ought to give him, and which, according to our view of the Methodist Constitution, does give him, a right to vote on every question affecting the interests of that society and circuit to which he belongs. We think it better, and are quite contented, that the local affairs of the circuits and societies should be managed by the local meetings, consisting of the men whom the church has selected and called to office; and in which the travelling preachers have certainly a full share of influence. But to oppose, in any cases, the right of such men to overrule their decisions as at Leeds, and to insult them with new tests and the surveillance of the district police, is not to oppose democracy, but to introduce despotism! It is not, therefore, for popular rights that we contend, but for the rights of the local meetings—of the official characters and acknowledged "Elders" of the church. The admission of your counter-checks would be a virtual overthrow of these local meetings. Will the respectable and influential men in Methodism submit to this? Let them say, whether they will not still prefer to manage their own affairs in their proper and lawful meetings, rather than submit to be dictated to and overruled by special district meetings and Conferences, in which we have neither voice nor influence, but in which your faction rides triumphant. Now if, after all, you and the men of your party are to stand up in our faces, and boldly assert that we want what we utterly disclaim—that we are seeking to introduce what we would rather exclude,

the public, as well as ourselves, may, perhaps, wonder at your assurance ; but cannot mistake, either the character or the motives of such attempts. We strongly suspect that it has of late been an object with your party, and particularly that it was the design of the virulent attack made on us in the Magazine for May last, to provoke our friends of this circuit to some expression of feeling, or intemperate proceeding, which might give a handle against us at the next Conference. In this way, at the last Conference, you got over the Leeds business, and obtained the vote of thanks ; not by answering the direct charges made against you, but by exaggerated statements of the irregular proceedings of the Leeds brethren. You thus alarmed the Conference with the cry of faction, which you had yourselves provoked ; and took advantage of proceedings, of which you were the originating cause ! Our friends in this circuit have been on their guard against this manœuvre. They have held no irregular meetings ;—they have disturbed nothing in this circuit, and they intend to disturb nothing. They have simply replied to what has been published against them. The Conference and the Connexion are now warned of your misrepresentations. If the Conference choose again to be deceived, the public will have their eyes open. It will, therefore, be of little consequence what you may say, or what you may publish, against us. To all that you have yet put forth there are three main objections, which we shall beg leave to state :—

1. In no instance have you touched the main facts of the Leeds case, or attempted to answer the charges preferred against you, by a direct appeal to the Concessions and Code of Laws of 1797. He that employs his pen in the present controversy, and omits these particulars, does but beat the air.

2. You nowhere admit, that the other circuits throughout the Connexion may justly apprehend, that what you did at Leeds, you might do elsewhere. You have been thanked by the Conference ; and success and applause are the greatest stimulants to a repetition of that conduct by which they have been once obtained. When, therefore, you charge us with interfering, improperly, in the Leeds case, we allege in reply this just apprehension, lest the same outrages should be committed in this circuit ; and, seeing the Conference was not to be looked to any longer for security and protection, we aimed to secure ourselves by our seventh resolution of the 23rd of September last.

3. In all your high claims to power and authority, you have abundantly shown that you do not understand the nature of those claims. The sources of power are two : law, sustained by the force of civil authority ; and love. To the former, you can have no pretension. The latter alone was the foundation of all Mr. Wesley's power. Mr. Wesley, and the excellent men who laboured with him, were looked up to as men of God. The people felt and knew that they were disinterested. They wanted not *theirs*, but *them*. They were, therefore, beloved and obeyed. You confess, that you have lost, in a great measure at least, this power. If that be so, you are fallen indeed ! any other kind of power you cannot have, and ought not to possess. You may argue and talk, you may misrepresent and abuse us ; but no man ever obtained power over others by merely "chopping logic !" If you can give us twenty good reasons why we should submit to you, we can answer with twenty others, equally good, why you should submit to the church ! In the meantime, and so long as this contention goes on, love cools, and, with it, your real power decreases.

Human nature is not to be reasoned into bondage, nor induced to love by mere persuasion !

We advise you and your party, therefore, if you must perpetuate the present controversy, to lay aside all your idle speculations about inherent rights and ministerial power, and all this system of invective and abuse ; and to apply yourself to what you have hitherto so cautiously avoided,—the specific facts of the Leeds case, and their accordance with the express terms of the Plan of Pacification, and the Concessions of 1797. If this course be not convenient, then you had better acknowledge your errors, and satisfy the circuits that they shall no more be borne down by special district meetings.

In our Address to the Conference we showed, that the rules anterior to 1797, relating to district meetings, empowered them only in relation to travelling preachers ; but, with or without a rule, some men will grasp at power and authority. Similar attempts had, therefore, been made prior to 1797, but our fathers boldly and firmly resisted them. Many of us are the children and descendants of those worthy and excellent men. Called upon to defend the same rights, and maintain the same liberties, we have trodden in their steps. Far from seizing any “ new topic of factious declamation,” or “ boldly assuming false premises, that we may hang upon them plausible and delusive arguments,” we have adopted the same principles, employed the same arguments, and drawn the same conclusions, and often in the very language of 1797. Our fathers were too wise, and had too much experience, not to know, that the best of human institutions have a tendency to decay ; and that a new generation would arise, which would introduce new corruptions. They therefore carefully preserved the best pamphlets and publications of that day, and have handed them down to us, as heir-looms of family inheritance. We revere religion ; we love Methodism ; we abhor what we deem a perversion of both ! Hence the ground of our opposition. We hope to prove ourselves worthy descendants of the men of 1795 and 1797, as far removed from faction, and from any disposition to trespass upon what you pompously term the *inherent* rights of others, as we are determined not to sacrifice the ceded rights of our local presbyteries, or to submit to the lordly domination of an aspiring faction in the priesthood !

We cannot admit that any individual has a right to engage a great circuit in a personal controversy. We have not, therefore, thought it becoming to introduce this reply to the quarterly meeting. We deem it quite sufficient, that those who have acted as a committee should subscribe their names, on behalf of themselves and others who cordially agree with them in sentiment.

(Signed)

JOSEPH ASHTON,
J. H. BOWLER,
WILLIAM DALE,
EDWARD HEWITT,
W. HIGGS,
C. J. JONES,
J. SCRASE LANGRIDGE,
RICHARD SMITH,
JAMES SPICER,
JOHN TURNLEY,
ELISHA WILSON,
W. WRATHALL.

SOUTHWARK, July 1, 1829.

POSTSCRIPT

You inform us that "nothing new in principle has been introduced." We conceive, that all the proceedings of the Leeds Special District Meeting were equally novel in principle as in fact and practice. We are perfectly aware that the Conference, on Mr. Wesley's death, professed to have derived from him the *absolute* government of the Methodist Connexion. On this subject, however, we shall beg leave to remark,

1. That Mr. Wesley's power never was absolute. It is a libel on his memory to pretend that he ever claimed such a lordship over God's inheritance. It is true, that neither Mr. Wesley's power, nor the rights of the societies, were clearly defined. It is true, that such was the love and veneration which the people had for that apostolic man, that he might do almost what he pleased in the societies. But you admit that he took counsel of the respective meetings. This counsel was his practice, as it was the practice of the Apostles; and, therefore, *from the beginning*, it was the practice of Methodism. Neither was it a mockery of consultation, as you would make it; but a truly Christian method of carrying on the affairs of the church. The right, as we have said, was not defined; but the practice was an admission of the right. Your assertion, that "Mr. Wesley, and the superintendents after him, although they took counsel of others, as wishing only to employ their power righteously, yet had the power, and often exercised it, to admit, expel, and remove from office, without any reference to such meetings at all," proves just nothing. Every superintendent does the same thing at this day. They were ordinary cases, on which no question arose, and which presented no occasion of general dissatisfaction, to call for inquiry. But where do you find, that Mr. Wesley ever refused an investigation, when deliberately called for by a leaders' meeting, in relation to the admission or expulsion of members or officers of the Society? or what evidence have you, that Mr. Wesley ever forced his societies into membership with persons whom a leaders' meeting declared unworthy to be received; or that he ever expelled members on any ground, save that of unquestionable (and, therefore, unquestioned by any leaders' meeting) immorality, or false doctrine? When, especially, did he ever divide a whole society upon any non-essential point? When did he expel a thousand members on any such question, and particularly on any question relating to an organ? Mr. Wesley's power was the power of love. On any other principle he could never have had any power at all, and would have found it as impossible to govern his societies as you will find it, if this coercive system be persisted in. The power for which you contend, is the very opposite of love. It is a power, as you tell us, to rule the church for its edification. The princes of the Gentiles make the same profession. They profess to rule for the public good,—the edification of their states. "Ye know, that the princes of the Gentiles exercise dominion, lordship,

authority over them, and are called *benefactors*. But so shall it not be among you."—Compare Matthew xx. 25, Mark x. 42, and Luke xxii. 25.

2. Notwithstanding the Conference, whilst agreed amongst themselves, were ready enough to declare that they had derived absolute power to rule the Connexion from Mr. Wesley, yet they were soon divided, and could not maintain the principle for a single year. In the very next Conference (1792) they were obliged to take up the question of the administration of the Lord's supper; and found, that their claim to absolute power, nay, even their power to administer that "Gospel ordinance," was so far from being admitted by the people, that after casting lots, the Conference resolved: "The Lord's supper shall not be administered by any person among our societies in England and Ireland, for the ensuing year, on any consideration whatsoever, except in London." And the prohibition extended even to the clergy of the church of England.

It was impossible to discuss this subject of the sacrament, without touching upon general rights, and questions of policy and power, as between the Conference and the people. These questions, once opened, were very fruitful ones. Accordingly, between 1792 and 1797, we find the Connexion literally deluged with publications, in which, so far from the favourite notion of absolute power being conceded to the Conference, the people were instructed in the true nature of their rights and liberties, according to the New Testament! and were called upon to assert and maintain these rights, in opposition to those trustees and preachers who opposed the introduction of the sacrament. Many of these pamphlets were written by the most esteemed and talented preachers in the Connexion, the companions and friends of Mr. Wesley. It was in this school, and on the call of those faithful guides, to whom our fathers gave heed in the great concerns of salvation, and not in the school of revolutionary France, as falsely insinuated, that our fathers learnt to assert their Christian liberty. It is true that the question assumed a practical form. It was of little consequence what Mr. Wesley's power had been. The point contended was, how far the Conference were entitled to rule the whole Connexion with an absolute sway; and whether the societies, like the primitive churches, ought not to have a participation in that government, to which their officers and members were called upon to submit. The arguments, as you are very well aware, were all on one side of the question. Reason, common sense, the Scriptures, and primitive practice, could never be enlisted on the side of despotic power either in church or state. When, therefore, Dr. Coke's declaration, that the Conference was "the most perfect aristocracy existing, perhaps, upon earth," was generally admitted in the disputes between 1792 and 1797, it applied rather to the corporate spirit of the Conference, and to their sturdy reluctance to frame any Code of Laws, in which the rights of the people should be acknowledged and secured, than to the actual existence of any such aristocratical power in practice, or to any admission of it in principle on the part of the people. This distinction was clearly pointed out in the best publications of that day, and, indeed, was too obvious to be overlooked. To have maintained such an aristocracy, the Conference must have had the aid of the civil power.

3. The existence of such an absolute and irresponsible authority, was felt and declared, in the controversy to which we have alluded, to

use the words of one of the writers of 1795, to be contrary, not only "to the oracles of God, but to the natural order of society." Despotic power, indeed, admits of but one distinction in human society, whether of church or state: viz., that of master and slave. It confounds all the gradations, and paralyses all the moral energies of mankind. It is degrading and debasing in principle; demoralizing and destructive in all its tendencies. It is equally so to him who wields such a deadly authority, and to those who, whether by tame submission or by the ascendancy of force, fall under the iron sceptre. Wherever it has prevailed, in the church especially, no order of men have been so corrupt as the higher clergy; none so degraded as the lower. Of its effects on the laity, the whole history of the Papacy, to which our fathers appealed in 1797, is a standing memorial.

4. We contrast this warning voice with the echo by the last Conference,* of another voice from America, sounding forth the old Popish *jus divinum*; claiming for the ministry, *exclusively*, as of *divine right*, and without any authoritative control from the church itself, not merely the administration, but the sole right of expounding and maintaining, 1. *Gospel Doctrines*; that is, a right to preach and teach whatever they may please to admit into their creed as gospel doctrine: 2. *Ordinances*; that is, to set up whatever worship, sacraments, and services, they may deem conformable to the Gospel: and, 3. *Moral Discipline*; that is, to admit and expel, censure and suspend, to set up and put down, whomsoever they please in the church of God, and for whatever causes to them shall seem meet. Now here, we think, there is not only something, but a great deal, that is not only new in Methodism, but directly contrary to the Plan of Pacification; which gives to "every trustee, steward, and leader, in conjunction with the preachers of the district, a vote [not the courtesy of a mock consultation] in the trial of a preacher, in four grand particulars: "And if the majority of the meeting judge that the accused preacher is *immoral, erroneous in doctrine, deficient in abilities, or has broken any of the rules* above mentioned, he shall be considered as removed from the circuit." This is Methodism; and when we contrast it with your new claim to be considered as the divinely authorised expounders of gospel doctrines, ordinances, and discipline; and hear you make it a matter of conscience not to admit any authoritative interference of the church, we cannot but exclaim, like Mr. Pawson, "Remember, O ye Methodists! that it was after the clergy had established these claims over the primitive church, that they introduced the doctrine of transubstantiation and saint worship, the ordinance of the mass, and the discipline of the Inquisition! In the name, therefore, of Him who bought you with his blood, maintain your rights and privileges." We shall only add here the words of Mr. Murlin, "the weeping prophet," in 1795, a man who excelled most men in holiness and love of souls: "I beseech you to abolish your ungodly decrees, and do not publish your serious considerations, neither in the yearly Minutes, nor in the large Minute-book; it may fix a disgrace upon the Methodists that are yet unborn. To the Methodist preachers in general, the Hundred in particular: my dear brethren, do not suffer yourselves to be bound neck and heels by the traditions of men [certain travelling preachers who had presumed to lay down fundamental principles], which make the commandment of God of none effect."

* See Minutes of Conference, 1828, Address to the American Conference.

The able reasoning contained in the preceding unanswered, and unanswerable, productions was lost upon the dominant party in the Wesleyan Conference, and the warnings of the author unheeded. Strong in their own fancied security, and flushed with the support of the wealthy few, they treated as a matter of little moment the disruption occasioned by the Leeds case, and, under the influence of their passion for power, proceeded, in 1835, during the agitation on Dr. Warren's affair, to a new and still more flagrant stretch of authority. Disregarding the remonstrances of the people, certain laws (so called) were enacted, said to be "declaratory" of previous laws, and professing to be for the interests of the Societies and to preserve the liberties of the people; but which, in reality, were intended, if we may judge from their composition and the action since taken upon them, were designed to confine all power to the priesthood, and make the people but the serfs and slaves of the Conference. These laws have been characterised as "steeped in apostacy and unbelief," and no more accurate description can be given of them, if we look at the deeds which have been perpetrated under their sanction. These Declaratory Resolutions of 1835 refer to three points: first, they assert the "undoubted right of the Conference, and of all its district committees, whether ordinary or special, to institute, in their official or collective character, any inquiry or investigation which they may deem expedient, into the moral, Christian, or ministerial conduct of the preachers under their care, *even although no formal or regular accusation may have been announced on the part of any individual*," and that "they have also the authority of coming to such decisions thereupon, as to them may seem most conformable to the laws of the New Testament, and to the *rules and usages of the Connexion*." This law, with its unjust and arbitrary provisions, affects the preachers directly, and the people in only a less direct manner, for a preacher cannot be removed from his position without the people being more or less concerned, as witness the removal (consequent on their expulsion on this infamous law) of the Rev. W. Griffith, jun., the refusal of the Rev. S. Dunn, and the Rev. James Everett; to say nothing of the state into which the Bath societies have been thrown by the recent suspension of the Rev. James Bromley. The second part of these laws refers to the "Expulsion of Members," the provisions of which are excessively harsh and unjust; greatly restrictive of the liberty of the people, reducing all the laity in the Connexion to such a state of ecclesiastical vassalage as is paralleled in no other section of the Church of Christ in this kingdom. The third part relates to "Meetings for Communication with the Conference by Memorial, on subjects of local concern, or on the General Laws of the Connexion." By this enactment, the Conference has declared itself inaccessible except during three days in each year, when it permits a special circuit meeting to be held, but so hedges it round with difficulties, that, in nine cases out of ten, no such meeting could be held. We refer the reader to an able exposition of this infamous enactment, entitled "An Examination of the Law of 1835." We have added this legislative monstrosity to the present edition of this work. It will be found at Appendix F.

APPENDIX.

APPENDIX A.

THE REV JOHN WESLEY'S DEED OF DECLARATION.

An Attested Copy of Mr. Wesley's Declaration and Establishment of the Conference of the People called Methodists, enrolled in his Majesty's High Court of Chancery.

To all to whom these Presents shall come, John Wesley, late of Lincoln College, Oxford, but now of the City Road, London, clerk, sendeth greeting :

WHEREAS divers buildings, commonly called chapels, with a messuage and dwelling-house or other appurtenances to each of the same belonging, situate in various parts of Great Britain, have been given and conveyed from time to time by the said John Wesley to certain persons and their heirs in each of the said gifts and conveyances named, which are enrolled in his Majesty's High Court of Chancery, upon the acknowledgment of the said John Wesley (pursuant to the act of Parliament in that case made and provided), upon trust that the trustees in the said several deeds respectively named, and the survivors of them, and their heirs and assigns, and the trustees for the time being to be elected as in the said deeds is appointed, should permit and suffer the said John Wesley, and such other person and persons as he should for that purpose from time to time nominate and appoint, at all times during his life, at his will and pleasure, to have and enjoy the free use and benefit of the said premises, that he, the said John Wesley, and such person and persons as he should nominate and appoint, might therein preach and expound God's holy word : And upon further trust that the said respective trustees, and the survivors of them, and their heirs and assigns, and the trustees for the time being, should permit and suffer Charles Wesley, brother of the said John Wesley, and such other person and persons as the said Charles Wesley should for that purpose from time to time nominate and appoint, in like manner during his life—To have, use, and enjoy the said premises respectively for the like purposes as aforesaid : and after the decease of the survivor of them, the said John Wesley and Charles Wesley, then upon further trust, that the said respective trustees, and the survivors of them and their heirs and assigns, and the trustees for the time being for ever, should permit and suffer such person and persons, and for such time and times as should be appointed at the yearly Conference of the people called Methodists in London, Bristol, or Leeds, and no others, to have and enjoy the said premises for the purposes aforesaid : And whereas divers persons have in like manner given or conveyed many chapels, with messuages and dwelling-houses or other appurtenances to the same belonging, situate in various parts of Great Britain, and also Ireland, to certain trustees, in each of the said gifts and conveyances respectively named upon the like trusts, and for the same uses and purposes as aforesaid except only that in some of the said gifts and conveyances, no life estate or other interest is therein or thereby given and reserved to the said Charles Wesley : And whereas, for rendering effectual the trusts created by the said several gifts or conveyances, and that no doubt or litigation may arise with respect unto the same, or the interpretation and true meaning thereof, it has been thought expedient by the said John Wesley, on behalf of himself as donor of the several chapels, with the messuages, dwelling-houses, or appurtenances before mentioned, as of the donors of the said other chapels, with the messuages, dwelling-houses, or

appurtenances to the same belonging, given or conveyed to the like uses and trusts, to explain the words yearly Conference of the people called Methodists, contained in all the said trust deeds, and to declare what persons are members of the said Conference, and how the succession and indenture thereof is to be continued: *Now therefore these presents witness*, that for accomplishing the aforesaid purposes, the said John Wesley doth hereby declare, that the Conference of the people called Methodists, in London, Bristol, or Leeds, ever since there hath been any yearly Conference of the said people called Methodists in any of the said places, hath always heretofore consisted of the preachers and expounders of God's holy word, commonly called Methodists preachers, in connexion with and under the care of the said John Wesley, whom he hath thought expedient year after year to summons to meet him, in one or other of the said places of London, Bristol, or Leeds, to advise with them for the promotion of the Gospel of Christ, to appoint the said persons so summoned, and the other preachers and expounders of God's holy word, also in connexion with and under the care of the said John Wesley, not summoned to the said yearly Conference, to the use and enjoyment of the said chapels and premises so given and conveyed upon trust for the said John Wesley, and such other person and persons as he should appoint during his life as aforesaid, and for the expulsion of unworthy and admission of new persons under his care and into his connexion to be preachers and expounders as aforesaid, and also of other persons upon trial for the like purposes; the names of all which persons so summoned by the said John Wesley, the persons appointed, with the chapels and premises to which they were so appointed, together with the duration of such appointments, and of those expelled or admitted into connexion or upon trial, with all other matter transacted and done at the said yearly Conference, have year by year been printed and published under the title of Minutes of Conference. *And these presents further witness*, and the said John Wesley doth hereby avouch and further declare, that the several persons hereinafter named, to wit:—the said John Wesley and Charles Wesley, of the City of London; John Allen, Bristol; Charles Almore, York; John Booth, Colchester; Jeremiah Brettel, Lynn; John Barber, Northampton; John Broadbent, Oxford; John Brettel, Gloucester; Samuel Bardsley, Macclesfield; Joseph Bradford, Leicester; Samuel Bradburn, Leeds; Isaac Brown, Birstall; Joseph Benson, Halifax; George Button, Isle of Man; Thomas Briscoe, Yarm; William Broothby, Newcastle-upon-Tyne; Andrew Blax, Corke; George Brown, Clones; Thomas Barber, Charlemont; Thomas Coke, London; James Creighton, London; Thomas Cooper, Colchester; Joseph Cole, Oxford; Jonathan Cousins, Gloucester; Thomas Carlill, Grimsby; Thomas Corbitt, Gainsborough; Robert Costerdine, Colne; William Collins, Sunderland; John Crook, Lisburne; William Dufton, Halifax; Thomas Dixon, Newcastle-upon-Tyne; John Easton, Colne; John Fenwick, Burslem; Henry Foster, Belfast; William Green, Bristol; John Goodwin, Chester; Parson Greenwood, Liverpool; James Hall, Plymouth; William Hoskins, Cardiff; Joseph Harper, Grimsby; Thomas Hanby, Burslem; Thomas Hanson, Huddersfield; Lancelot Harrison, Scarborough; Robert Hopkins, York; Christopher Hopper, Newcastle-upon-Tyne; William Hunter, Berwick-upon-Tweed; Edward Jackson, Hull; Daniel Jackson, Dublin; Joshua Keighley, Seven Oaks; John Leech, Brecon; Thomas Longley, Derby; Robert Lindsay, Sligo; John Mason, Salisbury; John Moon, Plymouth Dock; John Murlin, Manchester; William Myles, Nottingham; Alexander Mather, Bradford; Henry Moore, Cork; Duncan M'Allum, Aberdeen; Jonathan Parkin, Lynn; Joseph Pescod, Bedford; William Percival, Manchester; John Pawson, York; Christopher Peacock, Yarm; John Peacock, Barnard Castle; Nehemiah Price, Athlone; Richard Rodda, Birmingham; Thomas Rankin, London; James Rogers, Macclesfield; Jeremiah Robertshaw, Leicester; James Ray, Gainsborough; Robert Roberts, Leeds; Benjamin Rhodes, Keighley; Jasper Robinson, Isle of Man; Thomas Rutherford, Dublin; George Story, Salisbury; William Saunders, Brecon; William Simpson, Sheffield; Robert Scott, Lincoln; George Shadford, Hull; John Shaw, Huddersfield; Joseph Saunderson, Dundee; Thomas Tennant, London; James Thom, St. Austle; Joseph Taylor, Redruth; Thomas Taylor, Sheffield; William Thompson, Leeds; Barnabas Thomas, Hull; William Thom, Whitby; Zechariah Udall, Liverpool; Thomas Vasey, Liverpool; John Valton, Bristol; James Wood, Rochester; Richard Whatcoat, Norwich; Christopher Watkins, Northampton; Francis Wrigley, St. Austle; Duncan Wright, Chester; William Warrener, Dundee; Richard Watkinson, Limerick, Gentlemen; being preachers and expounders of God's holy word, under the care and in connexion with the said John Wesley, have been, and now are, and do, on the day of the date hereof,

constitute the members of the said Conference, according to true intent and meaning of the said several gifts and conveyances, wherein the words Conference of the people called Methodists are mentioned and contained. And that the said several persons before named, and their successors for ever, to be chosen as hereinafter mentioned, are and shall for ever be construed, taken, and be the Conference of the people called Methodists. Nevertheless, upon the terms and subject to the regulations hereinafter prescribed: that is to say—

First. That the members of the said Conference, and their successors for the time being for ever, shall assemble once in every year, at London, Bristol, or Leeds (except as after mentioned), for the purposes aforesaid; and the time and place of holding every subsequent Conference shall be appointed at the preceding one, save that the next Conference after the date hereof shall be holden at Leeds in Yorkshire, the last Tuesday in July next.

Second. The act of the majority in number of the Conference, assembled as aforesaid, shall be had, taken, and be the act of the whole Conference, to all intents, purposes, and constructions whatsoever.

Third. That after the Conference shall be assembled as aforesaid, they shall first proceed to fill up all the vacancies occasioned by death or absence as after mentioned.

Fourth. No act of the Conference assembled as aforesaid, shall be had, taken, or be the act of the Conference, until forty of the members thereof are assembled, unless reduced under that number by death since the prior Conference or absence as after mentioned; nor until all the vacancies occasioned by death or absence shall be filled up by the election of new members of the Conference, so as to make up the number one hundred, unless there be not a sufficient number of persons objects of such election; and during the assembly of the Conference there shall always be forty members present at the doing of any act, save as aforesaid, or otherwise such act shall be void.

Fifth. The duration of the yearly assembly of the Conference shall not be less than five days, nor more than three weeks, and be concluded by the appointment of the Conference, if under twenty-one days; or otherwise the conclusion thereof shall follow of course at the end of the said twenty-one days; the whole of all which said time of the assembly of the Conference shall be had, taken, considered, and be the yearly Conference of the people called Methodists, and all acts of the Conference during such yearly assembly thereof, shall be the acts of the Conference and none others.

Sixth. Immediately after all the vacancies, occasioned by death or absence, are filled up by the election of new members as aforesaid, the Conference shall choose a President and Secretary of their assembly out of themselves, who shall continue such until the election of another President or Secretary, in the next or other subsequent Conference; and the said President shall have the privilege and power of two members in all acts of the Conference during his presidency, and such other powers, privileges, and authorities, as the Conference shall from time to time see fit to entrust into his hands.

Seventh. Any member of the Conference absenting himself from the yearly assembly thereof, for two years successively, without the consent or dispensation of the Conference, and be not present on the first day of the third yearly assembly thereof at the time and place appointed for the holding of the same, shall cease to be a member of the Conference from and after the same said first day of the said third yearly assembly thereof, to all intents and purposes, as though he was naturally dead. But the Conference shall and may dispense with or consent to the absence of any member from any of the said yearly assemblies, for any cause which the Conference may see fit or necessary, and such member whose absence shall be so dispensed with, or consented to by the Conference, shall not by such absence cease to be a member thereof.

Eighth. The Conference shall and may expel and put out from being a member thereof, or from being in connexion therewith, or from being upon trial, any person member of the Conference, admitted into Connexion, or upon trial, for any cause which the Conference may see fit or necessary; and every member of the Conference so expelled and put out, shall cease to be a member thereof to all intents and purposes, as though he was naturally dead. And the Conference, immediately after the expulsion of any member thereof as aforesaid, shall elect another person to be a member of the Conference in the stead of such member so expelled.

Ninth. The Conference shall and may admit into connexion with them, or upon trial, any person or persons whom they shall approve, to be preachers and

expounders of God's holy word, under the care and direction of the Conference, the name of every such person or persons so admitted into connexion or upon trial as aforesaid, with the time and degrees of the admission, being entered in the Journals or Minutes of the Conference.

Tenth. No person shall be elected a member of the Conference who hath not been admitted in connexion with the Conference as a preacher and expounder of God's holy word, as aforesaid, for twelve months.

Eleventh. The Conference shall not nor may nominate or appoint any person to the use and enjoyment of, or to preach and expound God's holy word in, any of the chapels and premises so given or conveyed, or which may be given or conveyed, upon the trusts aforesaid, who is not either a member of the Conference, or admitted into connexion with the same, or upon trial as aforesaid; nor appoint any person for more than three years successively to the use and enjoyment of any chapels and premises already given, or to be given or conveyed upon the trusts aforesaid, except ordained ministers of the Church of England.

Twelfth. That the Conference shall and may appoint the place of holding the yearly assembly thereof at any other city, town, or place than London, Bristol, or Leeds, when it shall seem expedient so to do.

Thirteenth. And for the convenience of the chapels and premises already or which may hereafter be given or conveyed upon the trusts aforesaid, situate in Ireland or other parts out of the kingdom of Great Britain, the Conference shall and may, when and as often as it shall seem expedient, but not otherwise, appoint and delegate any member or members of the Conference with all or any of the powers, privileges, and advantages, hereinbefore contained or vested in the Conference; and all and every the acts, admissions, expulsions, and appointments whatsoever of such member or members of the Conference so appointed and delegated as aforesaid, the same being put into writing, and signed by such delegate or delegates, and entered in the Journals or Minutes of the Conference, and subscribed as after-mentioned, shall be deemed, taken, and be, the acts, admissions, expulsions, and appointments of the Conference, to all intents, constructions, and purposes whatsoever, from the respective times, when the same shall be done by such delegate or delegates; notwithstanding anything herein contained to the contrary.

Fourteenth. All resolutions and orders touching elections, admissions, expulsions, consents, dispensations, delegations, or appointments and acts whatsoever of the Conference, shall be entered and written in the Journals or Minutes of the Conference which shall be kept for that purpose, publicly read, and then subscribed by the President and Secretary thereof for the time being, during the time such Conference shall be assembled; and when so entered and subscribed, shall be had, taken, received, and be the acts of the Conference, and such entry and subscription as aforesaid shall be had, taken, received, and be evidence of all and every such acts of the said Conference and of their said delegates, without the aid of any other proof; and whatever shall not be so entered and subscribed as aforesaid, shall not be had, taken, received, or be the act of the Conference. And the said President and Secretary are hereby required and obliged to enter and subscribe as aforesaid every act whatever of the Conference.

Lastly. Whenever the said Conference shall be reduced under the number of forty members, and continue so reduced for three yearly assemblies thereof successively, or whenever the members thereof shall decline or neglect to meet together annually for the purposes aforesaid, during the space of three years, that then, and in either of the said events, the Conference of the people called Methodists shall be extinguished, and all the aforesaid powers, privileges, and advantages shall cease, and the said chapels and premises, and all other chapels and premises which now are, or hereafter may be, settled, given, or conveyed, upon the trusts aforesaid, shall vest in the trustees for the time being of the said chapels and premises respectively, and their successors for ever: UPON TRUST that they, and the survivors of them, and the trustees for the time being, do, shall, and may appoint such person and persons to preach and expound God's holy word therein, and to have the use and enjoyment thereof, for some time and in such manner as to them shall seem proper.

Provided always that nothing herein contained shall extend, or be construed to extend, to extinguish, lessen, or abridge the life-estate of the said John Wesley and Charles Wesley, or either of them, of and in any of the said chapels and premises, or any other chapels and premises, wherein they, the said John Wesley and Charles Wesley, or either of them, now have or may have any estate or interest, power or authority, whatsoever. In witness whereof, the said John Wesley hath hereunto set his hand and seal, the twenty-eighth day of February, in the twenty-fourth year

of the reign of our Sovereign Lord, George the Third, by the grace of God of Great Britain, France, and Ireland King, Defender of the Faith, and so forth, and in the year of our Lord one thousand, seven hundred, and eighty-four.

JOHN WESLEY.

Sealed and delivered (being first duly stamped) in the presence of—

WILLIAM CLULOW, Quality Court, Chancery Lane, London.

RICHARD YOUNG, Clerk to the said William Clulow.

The above is a true copy of the original Deed (which is enrolled in Chancery), and was therefore examined by us—

WILLIAM CLULOW.

RICHARD YOUNG.

APPENDIX B.

ARTICLES OF AGREEMENT FOR GENERAL PACIFICATION, 1795.

I. CONCERNING THE LORD'S SUPPER, BAPTISM, &c.

1. The sacrament of the Lord's supper shall not be administered in any chapel, except the majority of the trustees of that chapel, on the one hand, and the majority of the stewards and leaders belonging to that chapel (as the best qualified to give the sense of the people), on the other hand, allow of it. Nevertheless, in all cases, the consent of the Conference shall be first obtained, before the Lord's supper be administered.

2. Wherever there is a society, but no chapel, if the majority of the stewards and leaders of that society testify that it is the wish of the people that the Lord's supper should be administered to them, their desire shall be granted; provided that the consent of the Conference be first obtained.

3. Provided, nevertheless, that in Mount Pleasant Chapel, at Liverpool, and in all other chapels where the Lord's supper has been already peaceably administered, the administration of it shall be continued in future.

4. The administration of baptism, the burial of the dead, and service in church hours, shall be determined according to the regulations above mentioned.

5. Wherever the Lord's supper shall be administered according to the before-mentioned regulations, it shall always be continued, except the Conference order the contrary.

6. The Lord's supper shall be administered by those only who are authorised by the Conference; and at such times, and in such manner only, as the Conference shall appoint.

7. The administration of baptism and the Lord's supper, according to the above regulations, is intended only for the members of our own society.

8. We agree that the Lord's supper be administered among us on Sunday evenings only, except where the majority of the stewards and leaders desire it in church hours; or where it has already been administered in those hours. Nevertheless, it shall never be administered on those Sundays on which it is administered in the parish church.

9. The Lord's supper shall always be administered, in England, according to the form of the Established Church; but the person who administers shall have liberty to give out hymns, and to use exhortation and extemporary prayer.

10. Wherever Divine service is performed in England on the Lord's-day, in church hours, the officiating preacher shall read either the service of the Established Church, our venerable father's abridgment, or, at least, the lessons appointed by the calendar. But we recommend either the full service or the abridgment.

II. CONCERNING DISCIPLINE.

1. The appointment of preachers shall remain solely with the Conference, and no trustee, or number of trustees, shall expel or exclude from their chapel or chapels any preacher so appointed.

2. Nevertheless, if the majority of the trustees, or the majority of the stewards and leaders of any society, believe that any preacher appointed for their circuit is immoral, erroneous in doctrine, deficient in abilities, or that he has broken any of the rules above-mentioned, they shall have authority to summon the preachers of the district, and all the trustees, stewards, and leaders of that circuit, to meet in their chapel, on a day and hour appointed (sufficient time being given). Tho

chairman of the district shall be president of the assembly; and every preacher, trustee, steward, and leader, shall have a single vote, the chairman possessing the casting voice. And if the majority of the meeting judge that the accused preacher is immoral, erroneous in doctrine, deficient in abilities, or has broken any of the rules above-mentioned, he shall be considered as removed from that circuit; and the district committee shall, as soon as possible, appoint another preacher for that circuit, instead of the preacher so removed; and shall determine among themselves how the removed preacher shall be disposed of till the Conference, and shall have authority to suspend the said preacher from all public duties till the Conference, if they judge proper. The district committee shall also supply, as well as possible, the place of the removed preacher, till another preacher be appointed; and the preacher thus appointed, and all other preachers, shall be subject to the above mode of trial. And if the district committee do not appoint a preacher for that circuit, instead of the removed preacher, within a month after the aforesaid removal, or do not fill up the place of the removed preacher till another preacher be appointed, the majority of the said trustees, stewards, and leaders, being again regularly summoned, shall appoint a preacher for the said circuit, provided he be a member of the Methodist Connexion, till the next Conference.

3. If any preacher refuse to submit to the above mode of trial, in any of the cases mentioned above, he shall be considered as suspended till the next Conference. And if any trustees expel from any chapel a preacher, by their own *separate* authority, the preachers appointed for that circuit shall not preach in that chapel till the next Conference, or till a trial take place, according to the mode mentioned above.

4. If any trustees expel or exclude a preacher, by their own *separate* authority, from any chapel in any circuit, the chairman of the district shall summon the members of the district committee, the trustees of that circuit who have not offended, and the stewards and leaders of the circuit. And the members of such assembly shall examine into the evidence on both sides; and if the majority of them determine, that the state of the society, in which the exclusion took place, requires that a new chapel should be built previous to the meeting of the Conference, every proper step shall be immediately taken for erecting such chapel. And no step shall on any account be taken, to erect a chapel for such purpose, before the meeting of the Conference, till such meeting be summoned, and such determination be made.

5. No preacher shall be suspended or removed from his circuit by any district committee, except he have the privilege of the trial before-mentioned.

6. The Hundred preachers, mentioned in the enrolled Deed, and their successors, are the only legal persons who constitute the Conference; and we think the junior brethren have no reason to object to this proposition, as they are regularly elected according to seniority.

7. Inasmuch as, in drawing up the preceding regulations, we have laboured to restore and preserve the peace and unity of the society, and, in order thereto, have endeavoured to keep the preachers out of all disputes on the subjects therein specified: Be it understood, that any preacher who shall disturb the peace of the society, by speaking for or against the introduction of the Lord's supper in our societies, or concerning the old or new plan, so called, shall be subject to the trial and penalties before-mentioned.

8. And in order that the utmost impartiality may be manifest in these regulations, for the peace of the whole body, we also resolve, that if any local preacher, trustee, steward, or leader, shall disturb the peace of the society, by speaking for or against the introduction of the Lord's supper, or concerning the old or new plan, so called, the superintendent of the circuit, or the majority of the trustees, stewards, and leaders of the society so disturbed, shall have authority to summon a meeting of the travelling preachers of the circuit, and the trustees, stewards, and leaders of that society. Evidence shall be examined on both sides; and if the charge be proved, the superintendent preacher shall expel from the society the person so offending.

ADDENDA.

1. The Conference by no means wishes to divide any society, by the introduction of the Lord's supper, and therefore, except that a majority of the stewards and leaders, who desire the Lord's supper among themselves, testify in writing to the Conference, that they are persuaded that no separation will be made thereby, they will not allow it.

2. The sacrament shall not be administered to a society in any private house, within two miles of the Methodist chapel in which it is regularly administered.

3. We all agree, that the pulpit shall not be a vehicle of abuse.

4. It has been our general custom, never to appoint or remove a steward or leader, without first consulting the stewards and leaders of that society; and we are resolved to walk by the same rule.

5. To prevent, as much as possible, the progress of strife and debate, and consequent divisions in our Connexion, no pamphlet or printed letter shall be circulated among us without the author's name, and the postage or carriage paid.

6. Nothing contained in these Rules shall be construed to violate the rights of the trustees, as expressed in their respective deeds.

MANCHESTER, August 6, 1795.

APPENDIX C.

PRINTED CIRCULAR OF THE CONFERENCE, CONTAINING THE CONCESSIONS OF 1797

TO THE METHODIST SOCIETIES.

DEAR BRETHREN,—We think it our duty to inform you, by the earliest opportunity, of the measures we have taken, in order to satisfy those of our brethren who have been made more or less uneasy by sundry publications circulated through the societies; and, we trust, that on a serious consideration of the regulations we have agreed to at this Conference, you will see that the sacrifices in respect to authority, which we have made on the part of the whole body of travelling preachers, evidence our willingness to meet our brethren in everything which is consistent with the existence of the Methodist discipline, and our readiness to be their servants for Jesus' sake.

I. In respect to finances or money-matters:

1. We have determined to publish annually a very minute account of the disbursement, or application, of the Yearly Collection; and

2. A full account of the affairs of Kingswood School.

3. That all bills for the support of travelling preachers and their families, in respect to deficiencies, house-rent, fire, candles, sickness, travelling expenses, and all other matters of a temporal kind for their support, for which the circuits cannot provide, shall first meet with the approbation of the quarterly meeting, and be signed by the general steward of the circuit, before they can be brought to the district committee.

II. In respect to all other temporal matters:

1. It has been determined, that no circuits shall be divided till such division has been approved of by their respective quarterly meetings, and signed by the general stewards.

2. That no other temporal matter shall be transacted by the district committees, till the approbation of the respective quarterly meeting be first given, signed by the circuit stewards.

III. In respect to the receiving and excluding private members of the Society:

1. The leaders' meeting shall have a right to declare any person on trial, improper to be received into the Society; and, after such declaration, the superintendent shall not admit such person into the Society.

2. No person shall be expelled from the Society for immorality, till such immorality be proved at a leaders' meeting.

IV. In respect to the appointment and removal of leaders, stewards, and local preachers, and concerning meetings:*

* This general title relates to the *removal* of local preachers as well as to their *appointment*; but no regulation follows relative to their removal. Mr. Beecham is careful to notice this omission, page 40, but from what motive he does not explain. The rule, in connexion with its title, secures the principle; and the practice has hitherto been conformable to the principle. According to both principle and practice, as a local preacher can be admitted only by the consent of his brethren, so he cannot be removed without such consent. If this matter be questioned, we may have more to say upon it. Under the *fifth* general summary, we notice a synonyme to the same purpose, which makes the clause ridiculous, unless it be taken for a clerical error in writing, "*appointed*" instead of "*removed*."

1. No person shall be appointed a leader or steward, or be removed from his office, but in conjunction with the leaders' meeting: the nomination to be in the superintendent, and the approbation or disapprobation to be in the leaders' meeting.

2. The former rule concerning local preachers is confirmed, viz., That no person shall receive a plan as a local preacher, without the approbation of a local preachers' meeting.

3. In compliance with a request made by the committee of persons from various parts, namely, "That the Conference be requested to re-consider and revise those rules which relate to the calling of meetings, and appointing local preachers, made last year," we say, "No local preacher shall be permitted to preach in any other circuit than his own, without producing a recommendation from the superintendent of the circuit in which he lives; nor suffer any invitation to be admitted as a plea, but from men in office, who act in conjunction with the superintendent of that circuit which he visits." The design of this rule is to prevent any, under the character of local preachers, from burdening the people, either by collecting money, or by living upon them; and to prevent improper persons, who bear no part of the expense, from inviting local preachers thus to visit them. But it never was intended to reflect the least disrespect on any of our worthy brethren, the local preachers, whom, considered as a body, we greatly respect. And it should not be lost sight of, that several of the most respectable local preachers in the kingdom, who were in the committee which met the committee of preachers appointed by the Conference, declared their high approbation of the rule, and desired that it might be strengthened as much as possible, as none could justly complain of it.

4. As the committee above-mentioned requested also, that the Minutes of the last Conference, concerning the calling of meetings to consider of the affairs of the Society or Connexion, be explained; and as we are exceedingly desirous of preserving the peace and union of the whole body, we have agreed upon the following explanation: viz.—

(1.) As the leaders' meeting is the proper meeting for the society, and the quarterly meeting for the circuit, we think that other formal meetings, in general, would be contrary to the Methodist economy, and very prejudicial in their consequences: But,

(2.) In order to be as tender as possible, consistently with what we believe to be essential to the welfare of our societies, we allow, that other formal meetings may be held, if they receive the approbation of the superintendent and the leaders' or quarterly meeting; provided also that the superintendent, if he please, be present at every such meeting.

V. We have selected all our ancient rules, which were made before the death of our late venerable Father in the Gospel, the Rev. Mr. Wesley, which are essential rules, or prudential at this present time; and have solemnly signed them, declaring our approbation of them, and determination to comply with them; one single preacher excepted,* who, in consequence, withdrew from us.

VI. We have determined, that *all the rules* which relate to the societies, leaders, stewards, local preachers, trustees, and quarterly meetings, *shall be published with the Rules of the Society, for the benefit and convenience of all the members.*

VII. In respect to all new rules which shall be made by the Conference:

It is determined, that if at any time the Conference see it necessary to make any new rule for the societies at large, and such rule shall be objected to, at the first quarterly meeting in any circuit; and if the major part of that meeting, in conjunction with the preachers, be of opinion, that the enforcing of such rule in that circuit will be injurious to the prosperity of that circuit, it shall not be enforced in opposition to the judgment of such quarterly meeting before the second Conference. But if the rule be confirmed by the Conference, it shall be binding to the whole Connexion. Nevertheless, the quarterly meetings, rejecting a new rule, shall not, by publications, public meetings, or otherwise make that rule a cause of contention; but shall strive, by every means, to preserve the peace of the Connexion.

Thus, brethren, we have given up the greatest part of our executive government into your hands, as represented in your different public meetings.

1. We have delivered the whole of our yearly collection to your management. For we know by experience that the bills of the quarterly meetings, if only mere justice be done to the preachers and their families, will amount to much more than the yearly collection. The Conference will, in this business, have no authority

* Before the Conference concluded, two other preachers withdrew.

whatsoever ; they will have nothing but the trouble of receiving the money and paying the bills which shall have been sent to them from the quarterly meetings, and been approved of by the district committees. And when the accounts are published by the Conference, every quarterly meeting may compare its own accounts with those of the Conference, and thereby have as complete a check as the nature of things can possibly admit of.

The Conference has reserved to itself the management of its own book concerns. This is most reasonable, as the institution was established for the carrying on of the work of God, under the direction of Mr. Wesley and the Conference,—was continued, by the deed or codicil of Mr. Wesley's will, for the use of the Conference,—as the whole burden of the management of the business lies upon the Conference, and the servants they employ, and on the superintendents of circuits,—and also, as it is the only fund which can supply any deficiencies of the yearly collections, as the accounts published in our Minutes for several years past clearly evidence, the yearly collection having not been nearly sufficient for the wants of the preachers and families, and for the carrying on of the work of God in general.

2. The whole management of our temporal concerns may now be truly said to be invested in the quarterly meetings, the district meetings having nothing left them but a negative.

3. Our societies have a full check on the superintendent, by the means of their leaders' meetings, in regard to the introduction of persons into society ; whilst the superintendent has sufficient scope allowed him for the increase of the societies, not only according to the common course of things, but at the times of remarkable outpourings of the Spirit of God.

4. The members of our societies are delivered from every apprehension of clandestine expulsions ; as that superintendent would be bold indeed who would act with partiality or injustice in the presence of the whole meeting of leaders. Such a superintendent, we trust, we have not among us ; and if such there ever should be, we should be ready to do all possible justice to our injured brethren.

5. There is now no society-officer among us, who can be received without the content of that meeting to which he particularly belongs, nor can any officer be appointed [*query, removed?*], except upon the same plan.

6. In order to prevent any degree of precipitation in making new rules, and to obtain information of the sentiments of our people on every such rule, we have agreed to the article mentioned under the 7th head, by which no regulations will be finally confirmed till after a year's consideration, and the knowledge of the sentiments of the Connexion at large, through the medium of all their public officers.

In short, brethren, out of our great love for peace and union, and our great desire to satisfy your minds, we have given up to you by far the greatest part of the superintendent's authority : and, if we consider that the quarterly meetings are the sources from whence all temporal regulations, during the intervals of Conference, must now originally spring ; and also, that the committee, formed according to the Plan of Pacification, can, in every instance in which the trustees, leaders, and stewards choose to interfere respecting the gifts, doctrines, or moral character of preachers, supersede, in a great measure, the regular district committees ; we may, taking all these things into our view, truly say, that such have been the sacrifices we have made, that our district committees themselves have hardly any authority remaining, but a bare negative in general, and the appointment of a representative to assist in drawing up the rough draught of the stations of the preachers. And besides all this, we have given the quarterly meetings opportunities of considering every new law, of suspending the execution of it for a year in their respective circuits, and of sending their sentiments on it to the Conference, before it be finally confirmed.

We have represented these measures, which we have taken for your satisfaction, in as concise a manner as we well could, giving you the sense of the whole, not only for brevity's sake, but for expedition, that you may be informed of the general heads of our proceedings as soon as possible. In the *Regulations*, which *will be published with the Rules of the Society, as mentioned above*, you will have the whole at large. We are, your affectionate brethren,

Signed, in behalf and by order of the Conference,

THOMAS COKE, PRESIDENT.

SAMUEL BRADBURN, SECRETARY.

LEEDS, August 7, 1797.

APPENDIX D.

THE COLLECTION OF RULES OR CODE OF LAWS.

PUBLISHED BY THE CONFERENCE OF 1797, IN EXECUTION OF ARTICLE VI. OF
THE ABOVE CIRCULAR.

[To the first and every succeeding edition of this Collection of Rules, Article vi. of the preceding Circular is prefixed; and it is expressly stated, in an introductory note, to be published "*in execution* of the above-mentioned determination" of the Conference. Notwithstanding all this, however, Mr. Beecham throws this publication on one side, and substitutes for it the Miscellaneous Regulations!! It was necessary to do this, or to give up his main hypothesis; for this publication, which was to contain "*the whole at large*," does not contain the *Miscellaneous Regulations*;—a clear proof that those Regulations had no reference to the people, but referred to the preachers, as the only parties amenable to the district meeting. (See the note, p. 59.) Myles, Crowther, Dr. Warren, and every other writer on the constitution, give the following Code of Laws as the one referred to by the printed Circular of the 7th August, 1797.* The following is from an early copy.]

RULES RELATING TO THE SOCIETY.

I. OF RECEIVING MEMBERS INTO THE SOCIETY.

1. The leaders' meeting has a right to declare any person on trial improper to be received into the society; and, after such declaration, the superintendent shall not admit such person into society.

2. Neither the superintendents, nor any other preachers, shall give tickets to any, until they are recommended by a leader, with whom they have met at least two months on trial.

3. No preacher shall give notes (admitting persons on trial) to any but those who are recommended by one he knows, or until they have met three or four times in a class.

4. He must give them the Rules of the Society the first time they meet.

5. As some of our people have, in different parts of the kingdom, been imposed on, in various ways, by swindlers, who professed themselves members of our society, let no person be received into any society, without a certificate, signed by one of the itinerant preachers in the circuit from whence he professes to have come. 1779.

II. OF THE EXCLUSION OF MEMBERS FROM THE SOCIETY.

1. The far greater number of those that are separated from us, exclude themselves by neglecting to meet in class and use the other means of grace, and so gradually forsake us. With regard to the others,

2. Our rule is fixed, and our custom expressed in the preceding Rules of Society, where it is said, "If there be any among us who observe them not, who habitually break any of them—we will admonish him of the error of his ways; we will bear with him for a season: But then, if he repent not, he hath no more place among us."

3. No person must be expelled from the society for any breach of our rules, or even for manifest immorality, till such fact or crime has been proved at a leaders' meeting.

III. OF PERMITTING STRANGERS TO BE PRESENT AT THE SOCIETY MEETINGS
AND LOVE-FEASTS.

1. Let every other meeting of the society be for the members of the society only; and let no stranger be admitted. At other times some may be permitted to be present; but the same persons not above three times.

2. Let all the members of the society show their tickets; and if the stewards and leaders are not exact, others must be employed that have more resolution.

3. Let no person attend any love-feast, without a note from the preacher.

4. Let no love-feast be appointed but by the consent of the superintendent; nor any funeral sermon be preached, without his consent, and for those only who die happy in the Lord.

IV. OF SERVICE IN CHURCH HOURS.

The cases in which it has been agreed to allow service in what are commonly called church hours, are,

* See Dr. Warren's Digest, vol. i. p. 265.

1. When the church minister, rector, vicar, or curate, is a notoriously wicked man.
2. When he preaches Arian, Socinian, or any other equally pernicious doctrine.
3. When there are not churches in the town or parish sufficient to contain the people.
4. Where there is no church within two or three miles.
5. When a majority of the trustees of any chapel, on the one hand, and of the stewards and leaders of the society belonging to that chapel, on the other, allow of and request it; and as to places where there is a society, and no chapel, wherever the majority of the stewards and leaders of that society testify that it is the wish of the people, and that it will cause no division among them.
6. Wherever Divine service is performed in England on the Lord's-day, in church hours, the officiating preacher shall read either the Service of the Church, our venerable Father's Abridgment of it; or, at least, the Lessons appointed by the calendar. But we recommend either the full Service or the Abridgment.

V. CONCERNING THE ADMINISTRATION OF THE ORDINANCE OF BAPTISM AND THE LORD'S SUPPER IN OUR SOCIETIES.

1. The sacrament of the Lord's Supper shall not be administered in any chapel, except a majority of the trustees of that chapel, on the one hand, and a majority of the stewards and leaders belonging to that chapel, as the best qualified to give the sense of the people, on the other, allow it. Nevertheless, in all cases, the consent of Conference shall be first obtained before this ordinance shall be administered.
2. Where there is a society, but no chapel, if the majority of the stewards and leaders of that society testify, in writing, to the Conference, that it is the wish of the people that the Lord's Supper should be administered among them, and that no separation will be made thereby, their desire shall be granted.
3. The Sacrament of the Lord's Supper shall not be administered to a society in a private house, within two miles of a Methodist chapel.
4. The Lord's Supper shall be administered by the superintendent only, or such of his helpers as are in full connexion, and as he shall appoint; provided, that no preacher be required to give it against his own inclination; and should it be granted to any place where the preachers on the circuit are all unwilling to give it, the superintendent shall, in that case, invite a neighbouring preacher, who is properly qualified, to give it.
5. It shall be administered at such times and in such manner as the Conference shall appoint. And the Conference agreed that the Lord's Supper shall be administered among us on Sunday evenings only; except the majority of the stewards and leaders desire it in church hours; or where it has already been administered in those hours. Nevertheless, it shall never be administered on those Sundays on which it is administered in the parish church.
6. The Lord's Supper shall always be administered in England according to the form of the Established Church; but the person who administers shall have liberty to give out hymns, to use exhortation, and extemporary prayer.
7. Wherever the Lord's Supper shall be administered according to the above-mentioned regulations, it shall always be continued, except the Conference order otherwise.
8. No person shall be suffered, on any pretence, to partake of the Lord's Supper among us, unless he be a member of society, or receive a note of admission from the superintendent (or the preacher administering), which note must be renewed quarterly. And if any leaders, stewards, or trustees, refuse to be regulated by this rule, the Sacrament shall not be administered where this is the case.
9. The administration of baptism and the burial of the dead, shall be determined according to the regulations above-mentioned, respecting the Lord's Supper.

VI. ON CONFORMITY TO THE WORLD AND SABBATH-BREAKING.

1. Those schoolmasters and schoolmistresses who receive dancing-masters into their schools, and those parents who employ dancing-masters for their children, shall be no longer members of our society.
2. To prevent or remedy the evils of dram-drinking, evil-speaking, unprofitable conversation, lightness, expensiveness or gaiety of apparel, and contracting debts without due care to discharge them, or smuggling, buying, or selling uncustomed goods, the preacher shall solemnly and frequently warn the societies against these

evils, and inform them, that they who are guilty of them, cannot be permitted to remain with us.

3. We strongly recommend to all the members of our societies the religious observation of the Lord's-day, and desire our superintendents to exclude from the society all who buy or sell on that sacred day, except in case of medicine for the sick, or for supplying necessaries for funerals.

4. No member of our society must employ any barber on the Lord's-day. And all our people who possibly can, are desired to employ only those barbers who conscientiously abstain from Sabbath-breaking.

5. No member of our society must make any wake or feast, or go to any on the Lord's-day, but bear a public testimony against them.

VII. OF MARRYING WITH UNBELIEVERS.

Some of our members have married with unbelievers, yea, with unawakened persons. This has had fatal effects. They have had either a cross for life, or turned back unto perdition. To put a stop to this, every preacher is enjoined to enforce frequently the Apostle's caution, "Be not unequally yoked." And he is openly to declare, that whoever does this shall be expelled from the society. When any such are expelled, he is to subjoin a suitable exhortation, and to urge all single persons to take no step in so weighty a matter, without advising with the most serious of their Christian friends.

VIII. OF BANKRUPTCIES.

To prevent scandal, when any of our members become bankrupts, the superintendent shall talk with them at large. And if any of them have not kept fair accounts, or have been concerned in the base practice of raising money by coining notes, commonly called the bill trade, he shall be expelled immediately.

IX. OF LOYALTY AND SUBJECTION TO THE KING AND GOVERNMENT.

None of us shall, either in writing or conversation, speak lightly or irreverently of the Government under which he lives. We are to observe, that the Oracles of God command us to be subject to the higher powers; and that "honour to the king" is there connected with the "fear of God." 1792.

X. OF DAYS OF FASTING.

A general Fast shall be held in all our societies the first Friday after New Year's-day; after Lady-day; after Midsummer-day; and after Michalmas-day.

RULES RELATING TO THE OFFICERS OF THE SOCIETIES.

I. OF THE APPOINTMENT OR CHANGE OF STEWARDS AND LEADERS.

1. No person shall be appointed a leader or society-steward, or be removed from his office, but in conjunction with a leaders' meeting; the nomination to be in the superintendent, and the approbation or disapprobation in the leaders' meeting.

2. As several inconveniences have arisen respecting the change of stewards; to remedy this, let it be observed, that the office of a steward ceases at the end of the year; and every superintendent is required to change one steward at least; so that no steward may be in office above two years together, except in some extraordinary cases.

3. The proper time for changing the circuit-stewards is at the quarterly meeting, when the superintendent shall consult all who are present respecting the most proper person or persons to act in that capacity.

4. The place for appointing or changing the steward of any particular society, is the leaders' meeting of that society. For in the general, "No person can be received as a society-officer among us, without the consent of that meeting to which he particularly belongs; nor can any officer be appointed [*Query*, removed?], except on the same plan."—Minutes of 1797.

II. OF THE LOCAL PREACHERS AND THEIR MEETINGS.

1. The superintendent shall regularly meet the local preachers once a-quarter; and no person shall receive a plan as a local preacher, nor be suffered to preach among us as such, without the approbation of that meeting. Or if in any circuit a regular local preachers' meeting cannot be held, they shall be proposed and approved at the general quarterly meeting of the circuit. 1794.

2. All local preachers shall meet in class. No exception shall be made in respect to any who have been travelling preachers in former years. 1793.

3. Let no local preacher, who will not meet in class, or who is not regularly planned by the superintendent of the circuit where he resides, be permitted to preach.

4. Let no local preacher be permitted to preach in any other circuit than his own, without producing a recommendation from the superintendent of that circuit in which he lives; nor suffer any invitation to be admitted as a plea, except from men in office, who act in conjunction with the superintendent of that circuit which he visits. N.B. The design of this rule is to prevent any, under the character of local preachers, from burdening the people, either by collecting money or living upon them, and to prevent improper persons, who bear no part of the expense, from inviting local preachers thus to visit them. But it was never intended to reflect the least disrespect on any of our worthy brethren, the local preachers, whom, as a body, we greatly respect.

5. Let no local preacher keep love feasts, without the consent of the superintendent, nor in any wise interfere with his business. Let every one keep in his own place, and attend to the duties of his station.

6. No preacher who has been suspended or expelled shall, on any account, be employed as a local preacher, without the authority of Conference.

III. CONCERNING TRUSTEES.

1. The trustees, in conjunction with the superintendent, who shall have one vote only, shall choose their own stewards; who shall receive and disburse all seat-rents, and such collections as shall be made for the purpose of paying interest of money due upon the premises, or for reducing the principal. The aforesaid steward shall keep proper accounts in books provided for that purpose; which books shall be open for the inspection of the superintendent, and audited in his presence once every year; or oftener, if convenient.

2. No trustee, however accused, or defective in conformity to the established Rules of the Society, shall be removed from the society, unless his crime or breach of the Rules of the Society be proved in the presence of the trustees and leaders 1794.

IV. OF THE QUARTERLY MEETINGS, COMPOSED OF THE STEWARDS OF THE DIFFERENT SOCIETIES IN EACH CIRCUIT.

1. All bills for the support of travelling preachers and their families; for house-rent, fire, candles, sickness, travelling expenses, and all other matters, for which the circuits cannot provide, shall first meet with the approbation of the quarterly meetings, and be signed by the general steward of the circuit, before they can be brought to the district committee.

2. No circuits shall be divided until such division has been approved by the respective quarterly meetings, and signed by the general steward.

3. Before any superintendent propose a preacher to the Conference as proper to be admitted on trial, such preacher must be approved of at the March quarterly meeting. 1797.

APPENDIX E.

[We have printed the following Miscellaneous Regulations, in order that the reader may have them to compare with the foregoing Code of Laws. These Regulations were published by the Conference of 1797, as already observed, in what is denominated the "LARGE MINUTES;" *that publication* being a continuation of the "Large Minutes" published by Mr. Wesley for the government of the preachers. It is, therefore, clear, from their not being incorporated in the Code of Laws relative to the PEOPLE, but being embodied with the Large Minutes for the government of the PREACHERS, that they relate *solely* to the discipline of the latter.]

SUNDRY MISCELLANEOUS REGULATIONS.

I. WITH RESPECT TO DISTRICTS.

1. In order to render our districts more effective, the President of the Conference shall have power, when applied to, to supply a circuit with preachers, if any should die or desist from travelling; and to sanction any change of preachers which it may

be necessary to make in the intervals of the Conference. And to assist at any district meeting, if applied to for that purpose, by the chairman of the district, or by a majority of the superintendents in each district. And he shall have a right, if written to by any who are concerned, to visit any circuit, and to inquire into their affairs with respect to Methodism, and, in union with the district committee, redress any grievance.*

2. The chairman of each district, in conjunction with his brethren of the committee, shall be responsible to the Conference for the execution of the laws, as far as his district is concerned.

3. That no chairman may have cause to complain of the want of power, in cases which (according to his judgment) cannot be settled in the ordinary district meeting, he shall have authority to summon three of the nearest superintendents, to be incorporated with the district committee, who shall have equal authority to vote and settle everything till the Conference.

4. The Conference recommends it to the superintendents of the circuits, to invite, on all important occasions, the chairman of their respective districts to be present at their quarterly meetings.*

5. The chairman of every district shall be chosen by the ballot of the Conference, after the names of all the preachers in the district have been read to them by the Secretary.

APPENDIX F.

THE SPECIAL ADDRESS OF THE CONFERENCE OF 1835 TO THE WESLEYAN METHODIST SOCIETIES IN GREAT BRITAIN.

[WE have reprinted these so-called Laws of 1835, from the minutes of that year (pp. 144-70), that the reader may have an opportunity of examining these celebrated productions, and comparing and contrasting them with the previous legislation of the Conference; and also see the extensive departure of the Conference of that year from the principles they had solemnly pledged themselves to abide by.—ED.]

DEARLY BELOVED BRETHERN,—In the conclusion of a communication dated “Wesleyan Conference, Sheffield, August 7th, 1835,” and which has already been largely circulated among you, it was intimated that further information, on the subjects to which that communication referred, would be given in the *Annual Pastoral Address* of the Conference, to be prepared, as usual, at the close of their sittings. It has, however, been found more convenient, that such information should be presented to you, distinctly and separately, in the form of a *Special Address* to our Societies. The is the design of the present document, respecting which it is deemed necessary here to recite the following Resolution, *unanimously* adopted by the Conference (see Minutes of 1835, page 113), viz. :—

Q. XXIV. What explanations and improvements shall we adopt in reference to the existing Rules and Usages of our Connexion?

A. 1. With respect to the *essential principles and fundamental regulations* of our established discipline, we are unanimously and deliberately resolved, in the fear of God, and on the most conscientious conviction of duty, to make no change whatever; but to “walk by the same rule, and mind the same thing.” Our views on this subject are recorded in a document entitled “The Answer of the Conference to an Address,” &c., dated Sheffield, August 6th, 1835, and largely circulated among our Societies at an early period of this Conference. That document contains our final decision on this point; and we direct that it shall be officially printed in connexion with the Minutes of the present year.

2. In accordance, however, with the pledge given in Article V. of the said “Answer to an Address,” the Conference has proceeded to take into its most affectionate and careful consideration, as far as time could be found for such a task, when the *indispensable* business of its session had been transacted, some of the most material of those subjects of discipline which have of late excited the attention of the Connexion. The result of these deliberations, on the several topics of—“Financial Affairs,” “Expulsion of Members,” “Meetings for communicating with the Conference by Memorial,” and “Proposed

* “But he (the chairman) must never individually *interfere* with any circuit but his own.”—Min. of Con. 1792, republished 1797.

Revision of our Rules in general," has been embodied in a "Special Address to the Wesleyan Methodist Societies," which, as well as the usual "Pastoral Address," shall be appended to the present Minutes, as an official document, fully recognised by the Conference as its unanimous act and deed, and signed as such by the President and Secretary. Most earnestly do the Conference hope and pray, that the explanations and improvements which it details may be found satisfactory to the real friends of the Connexion, and received by the Societies at large in the same spirit of cordial affection, and earnest desire for the preservation of Christian peace and unity, in which they have been prepared and adopted on the part of the Conference. They are now solemnly commended to the calm and kindly attention of our beloved people, and, above all, to the blessing of God.

Without further preface, the Conference now proceed to lay before you the result of their long and anxious deliberations on the several topics enumerated in the resolution just quoted.

I. FINANCIAL AFFAIRS.

1. The Conference has long felt it to be both just and expedient, and to themselves (as a body of Christian ministers) *exceedingly agreeable*, that the active management of the financial affairs of the Connexion, whether local or general, should be undertaken, as far as possible, by laymen of established character for integrity, Christian principle, and steadfast attachment to the interests of Methodism,—accustomed to the transaction of similar business,—able to command sufficient leisure for such "labours of love" as are needed in this department of the "work of the Lord,"—and willing to consecrate that leisure to the service of our common cause. The Conference heartily concurs in the principle, that those of our public funds which are wholly or chiefly supported by the contributions of our people at large (although these contributions, as it is well known, are principally *obtained* by the public exertions and private applications of the preachers themselves), should be expended, under the general direction of the Conference, by *committees*, composed not of preachers only, but of *preachers and laymen conjointly*. In our *very peculiar* system of itinerancy and connexional union, the assistance of the preachers in such committees will always be found indispensable to the good practical working of the several funds; because *they* obviously possess a more intimate and personal acquaintance with the circumstances and necessities of our work, in its varied relations and mutual bearings, and in its now widely-extended field of operation, than *local men*, however able and devoted, can possibly acquire. And it would not be equitable or reasonable to demand, that those whose influence and activity are mainly relied upon for *procuring* pecuniary support to our institutions, and whose individual and ministerial character is therefore *pledged to the public* for the right application of the funds which they are employed to advocate and maintain, should be systematically excluded from the committees to which those funds are confided. On the other hand, it is equally just and advantageous that the body of contributors should have, in the respectable lay-members united with the preachers in the committees, a sufficient *security* for the proper and careful expenditure of the public money. By the plan of mixed committees both these objects are accomplished; and all parties, who, either by personal service or pecuniary benevolence, have a share in the work of *contribution*, are enabled to exercise a fair and salutary influence in the subsequent work of *distribution*.

2. These views and principles *are not new* in the Wesleyan Methodist Connexion. They have been for many years in extensive operation among us. The shameless assertions of some modern adversaries of our body, that our people have little or no share, according to our existing economy, in the management of their financial concerns, and that the preachers are desirous to have in their own hands either the exclusive control, or the *onerous* and *active* management, of the public funds of the body, is a calumny which the Conference are bold to meet with a positive and justly indignant denial. Most gladly would they be exempted, if a sufficient number of other persons of adequate leisure and influence could be found to undertake the task, from much of that labour, even in *soliciting* pecuniary support for our work, to which the necessity of the case, and their love for the cause of God, alone induce them now to submit.

It is matter of notoriety, that *all the local contributions* of our Societies and friends, constituting by far the largest portion of the whole financial concerns of the Connexion, are now, and have been for a long series of years, regularly paid into the hands of the society stewards and circuit stewards annually appointed for this purpose, and expended by them, or under their entire superintendence and direction, according to our established usages and rules. A report of their management in these matters is constantly made by the stewards to the quarterly meetings of their respective circuits.

As to the contributions to those *public funds*, by which our various institutions for the general purposes of the Connexion, or for objects of piety and benevolence, are supported, they are in like manner *generally* expended under the superintendence of *mixed* committees, constituted on the principles above stated. Every *security* which can be reasonably desired in a *religious* community like ours is thus afforded, that the moneys liberally contributed shall be honestly expended in effecting the great purposes for which they are solicited and designed. This has long been the established practice with respect to the *Missionary Fund* and the *General Chapel Fund*. Last year the Conference spontaneously applied the same principle to the *School Fund*; and they are now not merely willing, but anxious, that it should be fully extended also to the *only two remaining* funds, which are at all materially or generally aided by the contributions of our people; namely, the *Contingent Fund* and the *Preachers' Auxiliary Fund*.

3. With respect to the *Contingent Fund*, which derives its means of usefulness principally from what are termed the *Yearly Collection* in the classes, and the *July* or *Home Missionary Collection* in our congregations, and to which the Conference affords considerable aid by a voluntary donation from the profits of our Book-room,—the largest part of its annual income, by much, is employed in supplying the deficiencies of the poorer and smaller circuits in Great Britain and Ireland, and especially of those of new and infant stations, unable, as yet, to meet fully their own local expenses. These, which are called the *Ordinary Deficiencies*, are regularly examined and adjusted, for the current year, at the financial district meetings in September, and the subsequent annual district meetings in May; when *two circuit stewards* from each circuit in the district are earnestly requested to attend, and have an equal right with the preachers to speak and vote on every financial question. The whole grant made from the Contingent Fund to that District is divided among the several *claimant circuits* in their presence, and with their assistance and concurrence. Thus, by far the greatest portion even of the *Contingent Fund* is *already* placed under an efficient control, by means of a *mixed* meeting. It only remains to apply the same principle to the distribution of that part of the same fund which is expended on what are called the *Extraordinary Deficiencies* of the year, including grants for—"Travelling Expenses," "Afflictions," "Furniture" for Preachers' Houses, and "Miscellaneous Expenses" of various kinds, especially those connected with the executive department of our general work, as directed by the Conference, and the due administration of our discipline. These "Extraordinaries" have hitherto, for the sake of convenience, been settled at the time of the Annual Conference, in a meeting of the chairmen of the several districts. But the Conference now resolves as follows, viz. :—

(1.) That the entire portion of the business of the Contingent Fund, which cannot be finally settled by the preachers and stewards in the local district meetings, shall henceforth be confided to a *mixed* committee, who shall meet in the week before the annual assembly of the Conference, and be called, "The Committee of the Contingent Fund," consisting of the President and Secretary of the Conference, and of thirty other members, viz., *fifteen preachers*, to be annually appointed by the Conference, and *fifteen laymen*, to be annually chosen from the districts which are most contiguous to the place where the Conference is to be held, or from which it is likely that laymen of suitable leisure and information may be induced to attend the ensuing Conference. The appointment of these lay members shall rest *exclusively* with the *circuit stewards* of those districts which shall be specified in the Minutes of the Conference from year to year, as most conveniently situated for this purpose; and shall take place at the time of their assembly in the *May* district meetings, as soon as they shall have finished the business connected with the *Ordinary Deficiencies* of their respective districts.

(2.) That *two* treasurers and two secretaries of the Contingent Fund shall be annually appointed, who shall be *ex-officio* members of the committee. One of the treasurers shall in future be a lay member of the Society.

(3.) That the same committee, or such members of it as can conveniently be present, shall be the *Committee of Distribution*, who shall meet at the close of each Conference, or as soon as the stations of the preachers shall have been finally settled, for the purpose of allotting to each *district* its fair and necessary share, according to its means and probable expenditure, of the gross sum which they may deem it proper to devote, out of the estimated income of the ensuing year, to the payment of "Ordinary Deficiencies" in the circuits. At this final meeting they shall also *complete* the settlement of the "Extraordinaries" for the *past* year, by examining those items of *Miscellaneous Expenditure*, belonging to that department,

the exact amount of which could not be ascertained at an earlier period, because they necessarily depend upon various executive arrangements which can be determined only during the course of the proceedings of each successive Conference.

(4.) That to the said mixed committee of the Contingent Fund shall likewise be confided, at their meetings in the week before the Conference, the duty of examining and regulating the affairs of the *Children's Fund*; for which purpose the two treasurers of that fund (one of whom shall, as now, be always a lay member of the Society), and also its secretary, when he can conveniently attend the Conference, shall be *ex-officio* members of the Committee of the Contingent Fund.

(5.) That the chairman and the financial secretary of each district shall be desired to attend the meetings of the committee of the Contingent Fund, during the time at which the applications from that district shall be under consideration, in order to state in person the cases which they have to recommend, as agreed upon at their respective district meetings in May, and to make the committee fully acquainted with the circumstances of every claimant circuit or individual.

4. In reference to the *Preachers' Auxiliary Fund*, the Conference resolves as follows, viz.—

(1.) That the annual distribution of the sums contributed by our friends to this fund shall in future be entrusted to a committee, consisting of the President and Secretary of the Conference, with *eleven preachers* and *eleven laymen*, to be appointed from year to year by the Conference; such distribution being conducted according to the general plans and regulations hitherto adopted, and on the principles of a becoming tenderness and respectful feeling towards the aged preachers, or widows, or orphan children of deceased preachers, who may apply for assistance; as well as with a sacred regard to the *confidential* character of any communications made by them, or on their behalf, in reference to their private affairs and necessities.

(2.) That *two* treasurers, one preacher and *one layman*, and also a secretary, shall be appointed at each Conference, who shall be *ex-officio* members of the committee.

(3.) The treasurer for the time being of the *Seniors' Fund*, which is partially assisted by an annual grant from the Auxiliary Fund, shall also be, *ex officio*, a member of the committee of that fund, in order that he may give such information as may be deemed necessary or advantageous.

II. EXPULSION OF MEMBERS.

1. During the life of Mr. Wesley, and for a short period afterwards, the superintendent (formerly called "the assistant") possessed, according to the primitive rules and established usage of the Connexion, the entire and unrestricted power of excluding from the Society any members whom, on account of their habitual and persevering violation of the laws of God, or of any of our General Rules, he judged to be improper for our Christian communion. This power was subject only, in the case of an appeal, to the paternal interference of Mr. Wesley, while he lived, and after his death, to that of the district committees and of the Conference. (See the 7th head of the General Rules, dated May 1, 1743.)

2. It was subsequently agreed, in 1794 (see Minutes, vol. i. p. 299), to regulate and limit the power of the superintendent, by a formal engagement then made on the part of the Conference, that the preachers should "consult the stewards and leaders" before they proceeded to any act of expulsion; the admission and expulsion of members being, however, at the same time, explicitly recognised as among those "*spiritual* concerns of the Society," which, in contradistinction to "*temporal* concerns," had "*ever*" been, and should continue to be, "*managed by the preachers.*" This legal provision for "*consultation*" applied to members *generally*. But a distinct and special provision was made, in the same year, in reference to trustees, viz.—"No trustee (however accused, or defective in conforming to the established rules of the Society) shall be removed from the Society unless his crime or breach of the Rules of the Society be *proved in the presence of the trustees and leaders.*"

3. At length, in 1797 (see Minutes, vol. i. p. 375), instead of this simple "*consultation*" of the stewards and leaders, it was enacted that *no person* should be expelled for immorality, till such immorality had been "*proved at a leaders' meeting*;" or, as this clause appears to have been afterwards explained, "*proved to the satisfaction*" of the leaders' meeting. And the intention of this new enactment is officially recorded to have been, to deliver the members of our Societies from every apprehension of *clandestine* expulsions. "That superintendent," it is

stated, "would be bold indeed, who would act with partiality or injustice *in the presence* of the whole meeting of leaders. Such a superintendent, we trust, we have not among us; and if there ever should be, we should be ready to do all possible justice to our injured brethren."

4. The case to which this rule of 1797 applies, must necessarily be understood as being that of a member who *demand*s a trial at the leaders' meeting. "The far greater number," it is truly stated, "*exclude themselves* by utterly forsaking us." (See "Form of Discipline," 1797, sect. vi.) Continued absence from the class-meeting, or other means of grace, without any sufficient reason, or some manifest breach of the laws of God, or of the particular rules of our own Connexion, is usually in such cases reported by the class-leader to the preacher, at the time of the quarterly visitation. If there be no denial of the fact, or satisfactory defence against the charge, on the part of the member, or of his friends who may be present, and if the preacher, in the case of alleged crime or misconduct, be of opinion that the offence is one of such grave and serious character as to require some public testimony of disapprobation, the immediate exclusion of the negligent or offending member has usually resulted, quietly, and as a matter of course, by the preacher's withholding his society-ticket, and erasing his name from the class-book. But if the member so charged deny the allegation of wilful neglect of our peculiar discipline as to class-meetings, &c., or of a breach of some law of Scripture or rule of Methodism, and demand a trial for the proof or disproof thereof before the leaders' meeting, or before a committee of leaders appointed by that meeting, then such trial must, as our law now stands, and has stood ever since 1797, be forthwith conceded. If a majority of the leaders who vote at the meeting shall be "satisfied" that sufficient proof is adduced to establish the fact of a wilful and habitual negligence, or of the violation of some scriptural or Methodistical rule, and shall give a verdict to that effect, then the leaders' meeting has discharged *its whole part* of the painful duty to be performed, and the case is left in the hands of the superintendent. On *him* devolves, in his pastoral character, as the person whose peculiar call and province it is to "watch over that soul" as one that "must give an account," the sole right and duty of deciding on the measures to be adopted towards the offender, in consequence of the verdict thus pronounced. He must consider his solemn responsibility, personally and officially, to God and to the Church of Christ, and his special obligation to care most tenderly and anxiously for the spiritual and eternal welfare of the individual whose conduct is implicated; and, impartially applying the laws of God, as found in the Holy Scriptures, or the specific rules of our body (as the case may be), to the facts which have been declared to have been proved as involving a violation of those laws or rules, he must prayerfully form the best judgment he can, respecting the nature and degree of the ecclesiastical penalty most fit to be inflicted; whether censure and reproof, in private or in public,—temporary suspension from Methodistical privileges,—putting the member back again into a state of mere probation,—or, finally, the extreme penalty of expulsion.

5. This the Conference solemnly declare to be, in their conscientious judgment; the import and intent, even according to the most *large* and *liberal* interpretation which can with truth and fairness be given, of our rules and usages, collectively considered, and as they now exist, in reference to this part of our pastoral discipline. The power of determining the sentence to be passed on an offender, thus uniformly and from the beginning reserved to our superintendents, the Conference believe to be essential to the scriptural duties and functions of the pastoral office. Those duties and functions they can on no account consent to abandon, or permit to be frittered away; for that would seriously endanger the purity and peace of our Connexion, on the one hand, and the rights, liberties, and spiritual privileges of our people, on the other hand. The pastoral duty and power, vested in the Christian ministry, to exclude obstinate offenders from our religious fellowship, for manifest violations of the general laws of the Holy Scriptures, or of the particular rules of our Connexion, are clearly essential to peace and purity. The correlative power of the pastor, who, if a man of God, "naturally cares" for the flock, to decide, after the case has been proved, on the adoption either of some mild and corrective sentence or of the severer one of expulsion, according to his own deliberate and conscientious views of the whole affair, and all its circumstances, is equally essential to the *protection* of an accused individual from the effects of personal prejudice or irritation, or of popular excitement and undue local influence.

6. Asserting, however, in the strongest manner, the scriptural principles now stated, and which have governed our discipline from the beginning, the Conference

do nevertheless most cheerfully agree to adopt the following *additional guards and securities* to our people, for the *proper exercise* of the powers confided to superintendents in cases of expulsion:—

(1.) No sentence of expulsion shall hereafter be pronounced by any superintendent *in the same meeting* at which the *trial* shall have taken place. To afford time for full inquiry into the past character of the party, and other circumstances, and for calm and careful deliberation, the sentence shall be deferred for *at least one week* after the trial; unless the superintendent be fully satisfied at once, that the case is one in which some of the milder forms of discipline should alone be adopted, and that expulsion is not at all to be contemplated.

(2.) In difficult or doubtful cases, the superintendent is now further directed, not to proceed to the actual sentence of expulsion without privately asking information from such individual leaders, or other judicious and experienced members of the Society, as are most likely to put him into full possession of all the circumstances necessary to his forming, with due discretion and caution, his own final judgment on the subject.

(3.) Every case of proposed expulsion shall be brought by the superintendent before the weekly meeting of the preachers of his circuit, in order that he may have the advantage of hearing the opinions and advice of his colleagues and co-pastors, before he shall finally decide on the course he ought to adopt.

(4.) In all cases of dissatisfaction with the sentence of expulsion pronounced by a superintendent, the aggrieved person shall have, as heretofore, the right of appeal to the annual meeting of the preachers of his district, and even, if still dissatisfied, to the Conference, who will hear him by a committee or by a special deputation, and endeavour to decide according to truth, and to the requirements of Holy Scripture and of our discipline.

(5.) But as it is readily admitted that the appeal to the full district committee or to the Conference may possibly be found, practically, too inconvenient to admit of a sufficiently prompt and easy application, except in cases of extraordinary interest and importance; the Conference now agrees and resolves, That the *principle* of the rule of 1793 (see Minutes, vol. i. p. 277), respecting the appointment of *minor* district committees in the case of preachers, shall be extended also to the case of all excluded members, who choose to avail themselves of its provisions. An excluded person shall, therefore, have the right of selecting *any two* preachers of the district to which his circuit belongs, and the superintendent shall select *two other* such preachers; and these four, with the chairman of the district (or if it happen that the chairman is himself the superintendent whose act is impugned, then some *other preacher* to be chosen by the four other members as their chairman *pro tempore*), shall meet in some convenient place, and shall have the power of modifying, reversing, or confirming the sentence against which such appeal shall be made. Their decision shall in such case be binding on all parties, unless subsequently altered, on further appeal, by the full district committee or by the Conference.

(6.) These additional guards and securities for our people against the possibility of rash and unwarrantable expulsions, by granting an appeal from the decision of an individual superintendent to the collective judgment and wisdom of *a number of pastors*, being cheerfully adopted, the Conference considers it both necessary and reasonable, at the same time, to provide an equally easy, prompt, and convenient remedy for *another case*, which may possibly arise in seasons of peculiar excitement, though it is confidently hoped that it will be found to be one of only rare occurrence. The case intended, is that of the majority of a leaders' meeting, before whom a member accused may be put on his trial, being induced, through some undue local interest, or influence, or prejudice, so far to forget its duty to God, and to the purity, peace, and good order of our Connexion, as to bring in, factiously and perversely, a verdict notoriously inconsistent with *the facts proved*, and with the plain and obvious meaning, and the general or specific regulations, of *the laws of God or of our own body*, as applicable to these facts,—or as even, in certain conceivable cases, to refuse to give any verdict at all;—thus, in either case, defeating the ends of public justice, and preventing, by an abuse of their constitutional functions, the exercise of that discipline which Christ has commanded, and for which he has made the ministers of his church responsible to himself. It is true, that our present rules provide an ultimate remedy for such an occasional and extraordinary occurrence, by the powers given to regular and special district committees, in 1791, 1792, and subsequent years, and confirmed and extended in 1797. But that remedy, though sufficient, when actually called into operation, to

provide for "any critical case," and to "redress any grievance," is not of easy and convenient application. There is the same reason for affording *facilities* of redress to a superintendent, obstructed in his pastoral duties by the prevalence of a contumacious and factious spirit, as for granting those facilities to an aggrieved member, complaining of the prejudice or severity of his superintendent. The Conference therefore resolves, That a superintendent, complaining of any leaders' meeting for refusing to act its constitutional part, or for acting it factiously or in contradiction to law and evidence, in the trial of an accused member, shall have the same right of prompt appeal to the revision of a *minor* district committee, as has just been granted to an excluded member in the other case supposed.

7. In almost every case, it is presumed that this minor district committee will be sufficient to accomplish the purposes of general peace and purity, and at least "settle everything till the Conference." But if not, there is still in reserve, where it may be found absolutely necessary, the power of calling a *special* district meeting, consisting of the whole number of the Christian pastors of that district, who shall be in full connexion with the Conference, according to our existing rules respecting district committees; whose powers, either in the cases here particularly intended, or in any other cases, nothing contained in this document shall be construed to weaken or abridge. In reference to the constitution of *special district meetings*, on whatever subject such meetings may hereafter be deemed necessary, and in order to render their decisions satisfactory to our people, the Conference resolves, That instead of "*three* of the nearest superintendents," chosen by the superintendent who calls the meeting, *four* superintendents or *other* preachers may be called in, if either party desire such assistance, and be incorporated with the preachers stationed in the district. Of these, *two shall be chosen by each of the two parties* concerned in the affairs to be settled by the meeting. The parties may severally make choice of preachers in whom they have most confidence, from *any* district, *without restriction as to contiguity*; and the President of the Conference, if he judge it expedient, may attend and preside in all such assemblies, according to the regulations of 1797. The right of appeal to the Conference from the decisions of this, as of all other inferior jurisdictions, is to be considered as reserved to all parties.

8. In the preceding articles of this document, reference has been repeatedly made to the *law of God contained in the Holy Scriptures*, as furnishing, in the trial of members, that *primary* standard of judgment by which the innocence or culpability of any particular facts adduced in evidence is ever to be determined. This principle, though obvious, and scarcely needing argumentative defence, the Conference have advisedly made prominent in this statement of their views. Any conduct in a man professing godliness, which can be shown to be decidedly condemned by the precepts and principles of the New Testament, is surely sufficient to justify, if persisted in, the application of a suitable ecclesiastical censure or other penalty to such an individual, even though it may not have been previously found necessary to make a distinct and specific rule of our own Society on that exact mode and form of delinquency. The New Testament *law of purity*, in reference both to the pastors and members of the Christian Church, and with respect both to doctrine and practice,—its often-repeated *law of peace* and *godly quietness*,—and its *laws of courtesy, brotherly kindness*, and mutual *charity*,—as well as its direction that "all things" should "be done decently and in order," and its requirement of reasonable submission, on the part of church members, to the scriptural "rule" of those who are "over them in the Lord,"—these are *standing enactments* of the Gospel, binding on all Christian communities, and therefore binding on the Methodist Societies, without exception. Any obstinate violation of them must be suitably visited, when proved; or else the authority of Jesus Christ himself, as the Lord and Master of our department of his spiritual house, will be criminally set at nought; and he will have just cause to say to the ministers and pastors of our community, as he did to one of old time, "I have somewhat against thee."

9. On considering, in connexion with these scriptural principles, the present state of several circuits, and the system of organised agitation and disturbance in which certain persons have publicly threatened to proceed in the course of the coming year, the Conference deem it necessary to take this opportunity of explicitly declaring their views on that subject, and of giving such general directions to the superintendents as the exigency appears to demand.

The self-called "Grand Central Association," considered as to its character of *confederacy* and *combination*, and its extensive schemes of disorder and mischief, is, in those respects, somewhat unusual and strange; and some other persons also,

avoiding a *formal connexion* with the association, have applied themselves with unwonted activity and insidious concert to plans and efforts of factious agitation. Hence, some of the friends of good order have supposed that *new* rules were wanting to check these new forms of evil, and have called on the Conference to protect, by some additional enactments, the peaceable and well-disposed members of our numerous Societies from the menaced annoyance and insult. It should, however, be considered that the circumstances which are most characteristic and essential in the constitution and conduct of the Association, and in the proceedings of other agents of faction, are plainly contrary even to our *existing rules and usages*, and to those *principles*, conservative of purity and peace, which the Conference has ever recognised and guarded by strong enactments. Thus, in 1795, it was resolved that any local preacher, trustee, steward, or leader, who should disturb the peace of the Connexion by speaking for or against "the old or new plan," then the subject of eager contention, should be expelled from the Society. And in 1796 it was enjoined, that "no man or number of men in our Connexion should, on any account or occasion, be allowed to circulate letters or call meetings," for the purpose of stirring up our people to divisive and innovating agitations. Such plans and proceedings, moreover, are plainly opposed to the supreme and unrepeatable *law of Christ* in the New Testament, already repeatedly referred to in this Address. "Debates, envyings, wraths, strifes, backbitings, whisperings, swellings, tumults," are there deprecated and condemned in the strongest and most affecting terms. We are enjoined to mark them that *cause divisions*,—if any man that is called a brother be a *railer*, with such an one, no not to eat,—to live in peace, that the God of love and peace may be with us,—to let all bitterness, and wrath, and anger, and clamour, and evil-speaking, be put away from us,—to follow peace with all men,—if it be possible, as much as in us lieth, to live peaceably with all men,—to know them which labour among us, and are over us in the Lord, and to esteem them very highly in love for their work's sake, and be at peace among ourselves,—to keep the unity of the Spirit in the bond of peace,—and, finally, to desire that we may lead a quiet and peaceable life in all godliness and honesty. St. James declares that, "where envying and strife is, there is confusion and every evil work; but the wisdom that is from above is first pure, then peaceable, gentle, easy to be entreated, full of mercy and good fruits, without partiality and without hypocrisy; and the fruit of righteousness is sown in peace of them that make peace." The Conference, for these reasons, deem it unnecessary at present to provide against these modern forms of offence by any new and more specific regulation; because so much of *moral evil* and *unchristian practice* is involved in the plan and proceedings of the said Association,—and of other similar confederacies, by whatever name disguised,—that to give them countenance, or to co-operate with them, is to be a partaker and abettor of various palpable transgressions of the commandments of God, and a violator, in some instances of the letter, and in others of the whole spirit and tenor, of our established rules. It is therefore hereby declared to be the unanimous judgment of the Conference, That any person who, instead of *peaceably retiring* from our Connexion, if he decidedly disapprove of our system either of doctrine or discipline, and cannot conscientiously even *acquiesce* in them, endeavours to retain and to employ his position among us for the purposes of opposition and strife,—or who continues, after due admonition, to be a member of "The Grand Central Association," or of any other confederacy formed for the object of systematic agitation,—is guilty of a flagrant transgression of that *morality of the New Testament*, the observance of which was a principal condition of his admission into our Society, and must be considered to have justly forfeited his claim to the privileges of our religious fellowship. In applying to particular cases this righteous general rule, the Conference exhorts all the superintendents to exercise, in connexion with a holy firmness, the moderation and mercy of the Gospel; bearing long and dealing tenderly, though faithfully, with the weak, the ill-informed, and the misled; while they do not shrink from the effectual execution of necessary Christian discipline on those who by overt acts of hostility and disturbance identify themselves as the leaders or open partisans of disaffection and faction. The sound and satisfied majority of our Societies—a majority happily so immense as to render all comparative calculations unnecessary—have a just claim on us for protection in the quiet enjoyment of their religious privileges; a claim which some of them have most forcibly urged, and which it is our bounden duty to meet with a discreet but decisive enforcement of our discipline on those whom milder methods shall fail to reclaim from their course of disturbance and mischief.

III. MEETINGS FOR COMMUNICATION WITH THE CONFERENCE BY MEMORIAL, ON SUBJECTS OF LOCAL CONCERN, OR ON THE GENERAL LAWS OF THE CONFERENCE.

The spirit and substance of our *present* regulations and authorised usages on this subject the Conference considers to be embodied in the following summary statement:—

1. The Conference have said that they, as well as the district committees, will gladly receive useful intelligence and information, even from any individual member of the Society, "on whatever concerns themselves or their people." (See Minutes of 1796.)

2. "The *leaders' meeting* is the proper meeting for the Society, and the *quarterly meeting* for the circuit." (Minutes of 1797.) From those meetings, therefore, the Conference will receive communications, whenever they may deem it *necessary* to make them, on subjects connected with *the proper business of their own Societies or of their own circuits*, respectively.

3. After full discussion and deliberation, it was judged (in 1797) that "*other formal meetings*, in general, would be contrary to the Methodist economy, and very prejudicial in their consequences." The grounds of this judgment were, doubtless, such as these:—The "*other formal meetings*," to which reference is made, are obviously *unnecessary* for the purposes of *individual* representations of fact, or for communication with the Conference on the really difficult and important affairs of a particular Society or circuit; the fullest provision being made for all these cases by the preceding articles of the same rule. If *unnecessary*, they are for *that reason undesirable*; because *occasions* of contention and debate ought not to be needlessly multiplied, especially in a *religious* society, which is bound by the law of Christ to "follow after the things which make for peace, and things where-with one may edify another." Christians should rather sacrifice unessential points of opinion or matters of personal predilection, than endanger by an eager obtrusion of their own views the maintenance of tranquillity and good feeling in the communities to which they belong. If the object of those who wish for the "*other formal meetings*," to which the Minute of 1797 objects, be the suggestion of any improvements in our various public institutions, then, too, are they, generally speaking, as unnecessary as in the case of society or circuit business; for in all those institutions committees are now appointed, in which preachers and laymen of unimpeachable integrity and intelligence have a place, which committees have, as such, regular official communication with the Conference on every subject connected with their respective trusts and interests. "*Other formal meetings*" cannot be needed in order to obtain redress for the alleged misconduct or mal-administration of any particular preacher or preachers, because the most ample means of obtaining such redress are already secured to complaining parties *connected with the circuit immediately concerned*, by our existing rules respecting the trial of accused preachers. It seems, then, that no very material and legitimate business remains for the "*other formal meetings*" in question, except it be the transmission to the Conference of opinions respecting some desired change in the *general laws of the Connexion*. Now, it should be considered that frequent alterations in the laws of a religious community, when they have once been deliberately settled, are neither safe nor advantageous. Such questions should not be hastily or capriciously mooted, as they usually tend to "*gender strifes*" rather than to "*godly edifying*." A habit of petty, meddling, speculative legislation would be a dire calamity. It is not good in matters of discipline, any more than of doctrine, to be "*ever learning, and never coming to the knowledge of the truth*,"—ever making new laws, or trying to mend existing ones, instead of keeping those already in force, and endeavouring to turn them to the best account for the spiritual benefit of ourselves and others.

4. For reasons probably similar to those now stated, the Conference of 1797 did not feel themselves at liberty to establish or encourage "*other formal meetings*." They did not, however, wholly prohibit them, as matters of occasional occurrence; being willing, it appears, to provide, if possible, for the permanent tranquillity of the Connexion in circumstances extraordinary as well as ordinary. They, therefore, appended to the statement last quoted the following rule:—

"In order to be as tender as possible, consistently with what we believe to be essential to the welfare of our Societies, *we allow that other formal meetings may be held*, if they first receive the approbation of the superintendent and the *leaders*'

or quarterly meetings; provided also, that the superintendent, if he please, be present at every such meeting."

The present Conference have considered with the most respectful attention the wish which appears to have been of late revived among several of our sincere friends, that some direct and authorised medium of occasional communication with the Conference should now be provided for our people, in reference to a certain class of subjects, which do indeed concern *the general laws*, and consequently the practical administration, of Methodism; but which, because they do not affect them in their individual capacity as members, nor yet relate, strictly or directly, to the local affairs of their particular Society or circuit, cannot, for that reason, be made the topics of discussion or of memorial in the leaders' or quarterly meetings, without violating a great and important general maxim, essential to a due observance of the Christian *law of peace*, and to the orderly transaction of our public business, viz., that every meeting among us shall confine itself to its proper and definite province, do *its own work* in the spirit of piety and kindness, and refrain from interfering with the work of others. Anxious to maintain this maxim in its full authority, and concurring *generally* in all the reasons stated in the preceding article, as rendering "other formal meetings" undesirable and unnecessary (except, perhaps, on *very special* occasions), this Conference are nevertheless solicitous, like their venerable predecessors of 1797, to meet, as far as the public peace and safety will permit, the *wish* above described. On careful deliberation, the Conference are of opinion that the *principle* of the concluding portion of the law of 1797, already quoted, will be found to furnish the best and most expedient means of accomplishing all that can be reasonably desired. But it must be confessed, that the *details* of the rule, as it now stands, appear to be so vague and otherwise defective, as to require considerable alteration and extension. The Conference, therefore, now agrees as follows, viz.—

(1.) That, *after the final close* of the June quarterly meeting in every year, the superintendent shall detain the circuit stewards and all the society stewards who may be present, whether belonging to the societies in the circuit town or to those in the country places; and shall ascertain from them whether there really exists, *in that circuit*, a general or considerable dissatisfaction with any of our existing rules, or a prevalent and earnest desire for the enactment of any new and additional regulations. If it be the opinion of a majority of the persons so consulted, or even of any considerable proportion of them, that the wish for alteration is strong and extensive, and moreover, that the matter is clearly of such importance as to justify the calling of a *special circuit meeting*, in order to consider the propriety of sending a memorial to the Conference on the subject; then, and in every such case, the superintendent is hereby *directed and required* to summon, by good and sufficient notices to all the parties concerned, such special circuit meeting, which shall assemble within a period of not less than seven days and not exceeding ten days from the time of the June quarterly meeting. The power of a *veto*, in reference to the calling of such meetings, given to the superintendents by the old rule of 1797, is hereby *wholly repealed and abolished*; and the provision above-stated is substituted for it.

(2.) That whereas the rule of 1797 did not at all *define* the composition of the "other formal meetings" partially allowed by it, it is now expedient to define the constitution of the special circuit meeting above-mentioned, if one shall be convened, in the following manner, viz., such meeting shall include,

All the travelling preachers of the circuit, comprehending the supernumerary preachers, if any;

The circuit stewards;

The stewards of the town Society, or of all the Societies (if there be more than one) in the circuit town;

One of the stewards of each of those other Societies which were entered on the latest circuit-schedule as containing fifty members or upwards;

The male class leaders in the circuit, of *ten years' continuous and uninterrupted standing* in that office;

The local preachers in the circuit, of *the same continuous and uninterrupted standing*, since they were first placed on the plan as local preachers *fully admitted*;

The trustees of the chapel or chapels of the circuit town (if regularly settled, and so secured to the use of the Connexion), *being members* of the Society; and

One of the trustee treasurers or trustee stewards of every other regularly settled and secured chapel in the circuit, *being a member* of the Society.

The superintendent, or, in the case of his unavoidable absence, some other travelling preacher appointed by him, shall always preside in the meeting.

(3.) That at such meeting any member thereof may propose for consideration, as before stated, the propriety of memorialising the Conference respecting the repeal or alteration of any of our existing laws, or of the enactment of any additional rule. Such memorial, if approved by a majority of the persons present, shall be signed *forthwith* by the individuals who concur in its adoption, and then immediately placed in the hands of the superintendent, who is made responsible for its delivery, personally or otherwise, to the President of the Conference, on or before the second day of its ensuing session. And all such memorials shall be received by the Conference, and referred to a committee of its members, who shall carefully examine, consider, and classify the whole, and report their opinion thereupon to the Conference.

(4.) That the right of memorial on the subject of our general legislation, thus recognised and allowed, shall, however, be exercised under the following regulations, which the Conference considers to be both sound and reasonable in principle, and really necessary in order to the prevention of great and serious evils:—First, *Notice* in writing shall be given to the superintendent, for the information of all who desire it, at least three days before the day of meeting, of the precise subject on which it is intended to propose that any memorial shall be sent to the Conference; and no proposal of which such timely notice has not been given, shall be allowed to be brought forward for that year. Secondly, All memorials requesting any change in our laws shall be limited to such changes only as are consistent with the *essential principles* of Wesleyan Methodism, and within the pale of our *established constitution*. The Conference cannot fairly be required to receive any propositions of a manifestly revolutionary character, or which are wholly subversive of that system of doctrine or discipline which has been confided to them by Mr. Wesley as a sacred deposit, and which, as they believe, has been also committed to their keeping by the providence and grace of God. Thirdly, the rules, whose alteration, repeal, or enactment may become the subject of discussion and memorial in such meetings, must be such rules only as have operated, or are intended to operate, *in the government of the Societies at large*. This is in literal accordance with the limitation adopted in 1797, in the analogous case of the “new laws,” to be submitted to the consideration of the September quarterly meeting. The disciplinary jurisdiction of the preachers over each other, and their right of regulating among themselves all that relates peculiarly and specifically to the Christian ministry and the pastoral office, are not to be considered as subjects open to the official interference by memorial of the meetings now constituted. Fourthly, The special meeting of one circuit shall not be at liberty to intermeddle with the local affairs or proceedings of any other circuit or circuits; respecting which, its information must often, of necessity, be exceedingly partial and defective, and its interference consequently, if attempted, must be as useless and even mischievous as it would be culpably officious, offensive, and unconstitutional. (See Minutes of 1828, vol. vi. pp. 399-401.) With these necessary limitations, the superintendents are directed to allow, in meetings constituted as aforesaid, the free and friendly discussions of our people, and to take charge of any memorial from them couched in proper and respectful terms.

IV. PROPOSED REVISION AND CLASSIFICATION OF OUR RULES IN GENERAL.

On this point the Conference have only to announce, at present, the appointment of a *committee*, who are charged with the duty of carefully considering the subject in all its bearings, and of adopting such measures as they may deem most effectual for preparing (if on examination they find it practicable and expedient) a new, revised, and improved edition of “The Form of Discipline,” first published in 1797, with proper explanations and enlargements. The result of these inquiries and endeavours is to be laid before the Conference at their next meeting in 1836. The members of this committee are,—the President of the Conference, the Rev. Joseph Taylor, Dr. Bunting, the Rev. Thomas Jackson, the Rev. John Waterhouse, the Rev. John Bowers, the Rev. George Cubitt, the Rev. John Hannah, the Rev. John Beecham, and the Rev. W. M. Bunting; who have power to add to their number any preachers or other friends, either in London or in the country, whose assistance may be found desirable, for the purpose of advice and consultation, in reference to this difficult but very interesting and desirable undertaking.*

* This promised revision of the laws was never completed, if, indeed, it was ever begun. Thus do the Conference keep faith with the people.—Ed.

Such, dearly beloved Brethren, are the communications we have now to make to you, in respect to some of those topics which have of late engaged a more than usual attention in our body. We earnestly hope that the explanations now given of the import and design of some of our rules, and the modifications which we have seen it right to adopt, will meet the approbation of our enlightened and judicious friends, and satisfy all men of peace, piety, and moderation. It is on such persons only that this document, and the measures which it announces, are expected or designed to operate. May it please Almighty God to give us a right understanding in all things, and to send us abundant spiritual prosperity!

Signed, on behalf and by order of the Conference,

RICHARD REECE, *President.*

ROBERT NEWTON, *Secretary.*

SHEFFIELD, August 18th, 1835.

THE END.

A FAITHFUL VERBATIM REPRINT
OF
THE “FLY SHEETS;”

Nos. 1, 2, 3, AND 4,

TO WHICH IS NOW ADDED A NEW FLY SHEET. No. 5.
CAREFULLY COPIED FROM, AND COMPARED WITH
The Originals :
WITHOUT ABRIDGEMENT OR ALTERATION.

ALSO, AN INTRODUCTION,

WRITTEN FOR THIS EDITION ; AND AN ACCOUNT OF THE
TRIALS, CENSURES, AND EXPULSIONS,
AT THE MANCHESTER CONFERENCE,
RESULTING FROM THE PUBLICATION OF THE “FLY SHEETS :”

FORMING A
Complete History of the Controversy, as well as being a faithful Reprint
of those Celebrated Anonymous Papers :

BY A WESLEYAN MINISTER,
WHO IS NOT YET EXPELLED!

—O—
“THE FLY SHEETS MUST BE PUT DOWN.”—*Doctor Bunting*. “But they can only be put down by being answered. I have long been of opinion that the most numerous signed Declaration, and even the Detection and punishment of the authors, without this, would fail to do away with their effects.”—*Rev. John Wesley Thomas*.

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INTRODUCTION.

THE very strong desire of the Wesleyan public to read the Fly Sheets has led to several abridged editions being circulated. Whether this has arisen from the difficulty of procuring originals from which to print, or from the wish of the publishers to confine the size of their publications within moderate limits we say not. Publications which have been the cause of the present ministerial expulsions cannot be regarded as of trifling importance. And it will be acknowledged by all that to come to a fair conclusion of the matters in dispute, the Wesleyan public are entitled to a verbatim et literatim edition of the Fly Sheets, without any abridgement. The effects of the movement caused by the expulsions may remain for ages;—and surely it were right that the Wesleyan public should have a faithful reprint of every sentence—word for word—of the original Fly Sheets. This is accomplished for the first time in our present edition. We deposit the originals in the hands of our London publisher, and invite any one interested in the matter to a careful comparison of every page of this edition, with the originals, which will be freely produced for that purpose. The first No. of the Fly Sheets appeared in 1844: No. 2 in 1846: and a second edition of No. 1 and No. 3 in 1847: No. 4 appeared 1848; and No. 5, now first given to the public, in 1849. The first reprint for the public appeared this autumn—abridged of about one-third of its proper quantity. From our publisher we learn some thousands of these were sold as soon as printed; and an edition, advertised by Mr. Gilbert as a “copyright edition, printed from the originals” appeared—which evidently was a reprint of the abridged edition spoken of above, as *every abridgment and altered word was faithfully followed*.*

As the present edition cannot be superseded by a more complete one (for every word of the originals, as we said before is now reprinted) it has been thought desirable to append a short history of the Trials consequent upon the appearance of the Fly Sheets. When they first came out they produced a great sensation: and an outcry was at once raised against their personality. Various practical abuses had been shown in No. 1 to have resulted from the exclusive and partial mode of administration. This could not be done without reference to names and acts of individuals. The system in fact is comprised in the men. It is a fact which speaks highly for the purity of intention with which the Fly Sheets were projected that their circulation was almost entirely confined to the ministers.

The Conference of 1847 launched against them a condemnatory resolution: and a declaration repudiating any connection with them was drawn up for signature by the ministerial body. Pamphlets were also printed and circulated in reply, which rivalled them in personalities, and imitated their complained-of anonymous form.

As some 70 preachers refused to sign this declaration; and as about half of that number refused to give any implied denial of authorship, it became necessary to drag the supposed delinquents to light in some other way; and a tighter screw of a different construction was produced by the officers of the Holy Inquisition. The latest invention for “putting to the Question” was very simple, though very sharp. It consisted of *an authoritative inquiry* addressed to suspected persons, in the form of a brotherly question, as to their connection with the authorship of the Fly Sheets. If the suspected *denied* the authorship in answer to such inquiry, the suspicion would be brought by that denial more nearly home to its legitimate victims. If an *acknowledgment* of the authorship was thus obtained, the punishment could without further trouble be inflicted upon the real criminals. If all reply to the inquiry was *refused*, the individuals refusing might be condemned for contumacy.

* Instead of calling this a *copyright* edition, we recommend Mr. Gilbert for the future to designate it a copy *wrong* edition, as it is abridged of more than 20 entire pages; some of the *abridgements*, being of those parts most interesting to the public: for instance, the whole of the comparison or contrast between Dr. Newton and Mr. Caughey—occupying in this edition pages 70, 71, 72 and 73 is omitted.

THE TRIALS.

"Are you the author of the FLY SHEETS? answer the question 'Yes' or 'No,' without any prevarication,"—*Proceedings of Conference, 1849.*

"I am charged with being the author of an anonymous work : am I compelled to confess? By no means : I am under no such necessity I MAY BE SILENT : I MAY REFUSE TO ANSWER."—*Methodist Magazine, April 1847. Page 331*

"It will be thought by impartial men a partial deed."

R. M. Bunting's Speech, Harrison's Report, p. 96.

At the meeting of Conference, when the brethren's names were called over the Rev. George Osborn, styled by Dr. Beaumont, the Accuser of his brethren, said, he had a "friendly complaint" against Mr. Fielden and several brethren who had not signed the Declaration.

Dr. Beaumont said it was unworthy of Mr. Osborn to begin with an aged man pressed down by infirmities—why not begin with a man of sufficient vigour of mind and body to defend himself? "Why not," said the Doctor, "begin with me?" In the midst of much confusion and excitement, Mr. Fielden lifted up his right hand, which was trembling from weakness as an aspen leaf, and said "This hand for years has not been able to write a line!" Mr. Osborn expressed himself satisfied with the answer.

MR. WALTON'S CASE.

Previously to the last Conference Mr. Walton was tried at the instance of Percival Bunting, at a *Minor District Meeting*, for being, as was affirmed, "cognizant and concerned in the preparation of one or more of the Fly Sheets." The principal witness against him was the Rev. W. T. Radcliffe, whose testimony was to the following effect:—That he, Mr. Radcliffe, when he was Mr. Walton's ministerial colleague at York, saw on his study-table a manuscript in Mr. Walton's handwriting, in which were some sentiments that afterwards appeared substantially in Fly Sheet, No. 2. *This manuscript Mr. Radcliffe looked over while Mr. Walton was absent from the room, having taken that opportunity of examining without permission, what lay on the table.*

He, however, concealed the discovery he had made from the person whom it affected. The meanness and treachery of this conduct need not be pointed out. Mr. Walton acknowledged that such a manuscript had been written by him, and that he had lent it to a friend for perusal; but he denied that it had been published with his consent, or that he was in any way concerned with the production of the Fly Sheets. It does not, indeed, appear that what he had written was, in any proper sense, published at all,—the evidence extending only to the similarity of a few opinions and phrases, as recollected by Mr. Radcliffe, to some of the contents of a paper which was not printed till months subsequent to his act of prying. Upon this showing the great object of the district meeting seems to have been to get from Mr. Walton the name of the friend to whom his manuscript had been lent. That name, however, he positively and perseveringly refused to give up, assigning as his reason that he was bound in honour not to do so. For thus acting, he was handed over to the Conference as a delinquent, and eventually received a public reprimand from the chair, besides being pronounced disqualified for the office of a Superintendent.

Alas, that the rest should have to be told! Mr. Walton's pertinacious fidelity to the promise he had made was thus dealt with.

"Dr. Bunting reminded him that his *prior* obligation was to Christ and his church, and his brethren in the ministry; and that no subsequent pledge could release him from this his prior obligation. ~~This principle he happily illustrated~~

by a reference to the oath of privy councillor—from which, and his loyalty and duty to the sovereign guaranteed thereby, no subsequent private engagement could release him.”

This piece of information we have copied from the *Watchman* newspaper, being desirous to rest our case upon statements made in the interest of the Conference. A similar sentiment to this of Dr. Bunting is, in another report attributed to his son, and is there said to have been *applauded* by the Conference. This may or may not have been the case; but the serious violation of honourable feeling implied in such applause is more than established by the following resolution of the district meeting on Mr. Walton's case, which was undoubtedly sanctioned and confirmed by a formal vote of the Conference.

“That the attention of this meeting having been incidentally directed to brother W. T. Radcliffe, this meeting expresses its sympathy with him, and its persuasion that he has acted an honourable part.”

What can be said of these things, but that the power of the Conference was, in this instance directed to the breaking down of the integrity of one of its members, and the encouragement of the perfidy of another! They reward baseness and punish fidelity. Such proceedings as are here described must go far toward nullifying any religious influence possessed in connection with them, and will do more harm by the vicious lesson they teach in the form of example, than the preaching and praying of the whole “venerable assembly” can remedy.

Nearly all the ministers who took part in this trial, which had for its object “the breaking down of the integrity of a brother minister,” have deservedly sunk in public estimation by their conduct. Messrs. Pemberton and Ryan were so eager to be in time to give their evidence at the Manchester Minor District Meeting, that one of them omitted the whole of the Sunday evening service, and the other shortened his, that they might travel by train on the Sabbath evening to Manchester; though they would have been able to get in time, if they had not gone till Monday morning. The opinion of many is that these two hailed the occasion in anticipation of future honours and appointments.—With these gentlemen must be classed Nehemiah Curnock, for it was to him that Mr. Radcliffe communicated the fact of his own base conduct in Mr. Walton's study. Mr. Curnock abused the confidence placed in him by Mr. Radcliffe and secretly whispered this great secret to others,—Mr. Curnock must henceforth expect no colleague to entrust to him a secret.

“Next faithful silence hath a sure reward;
Within our breast be every secret barr'd!
He who betrays his friend shall never be
Under one roof, or in one ship with me;
For who with traitors would his safety trust,
Lest with the wicked heaven involve the just?
And though the villain 'scape awhile, he feels
Slow vengeance, like a bloodhound at his heels!”

HORACE, b. 3, ODE 2.

MR. EVERETT'S CASE.

Many of the Wesleyan Ministers, (apparently without any sufficient cause,) had fixed their suspicion of authorship principally upon James Everett; he had been a Wesleyan minister for nearly half a century, during the whole of which time he has preserved an unblemished reputation. He is a man of considerable talent and attainment, an excellent preacher of the Methodist class, and an author of some literary celebrity. Upon him, therefore, what has been hypocritically called “the friendly examination” was brought to bear, at the last Conference,

with a peculiarly forcible determination. He was summoned to appear before the bar of the house, when Dr. Hannah, the Secretary, said,

“*Mr. Everett, are you the writer or author of the Fly Sheets?*”

To this Mr. Everett replied,—

“Am I the first on the list of those who have not signed the declaration? When the brethren whose names occur in the minutes before mine have answered the question, then will I.”

On the question being pressed, Mr. Everett demanded the name of his accuser, the charge against him in writing, and an opportunity to defend himself in a constitutional way. This only appeared to produce derisive cheers.

On being told that he was strongly suspected, and that for this reason he was questioned, he, after several apt replies, which he gave with much self-possession and dignity, said,—

“I will answer no questions. I know the temper of this Conference. An answer shall never be extorted from me.”

After some remarks from the platform, Mr. Everett asked the Conference what motives induced them to fix on him, merely on suspicion? This called forth tremendous cheers, and on being told he was the most suspected, his reply was,

“If I am the most suspected, then there must be the most evidence against me. Produce it.”

On the original question being again proposed, he replied with great firmness,

“I will not answer the question. I will never submit to an inquisition.”

This remark elicited most unrestrained expressions of disapprobation from the Conference.

It being found that Mr. Everett would not answer the questions, he was desired to retire to his seat.”

The consequence of this mock trial* was, that *Mr. Everett was expelled from the Wesleyan Connexion*, his alleged crime being that of contumacy.

MR. BURDSALL'S CASE.

Dr. Hannah then called for Mr. Burdsall, who, though evidently enfeebled by age, came forth with much firmness to be put to the question.

He also gave a firm refusal to answer any question; if accused of any crime, he required the charge to be presented. For fifty years had he been in the ministry, and he had never before then been questioned in that way. “Am I accused?” asked he (“yes, yes!” replied many voices.) “Then by whom am I accused?” was the prompt reply. He, too, giving forth no answer, was desired to resume his seat. Mr. Burdsall was eventually censured from the chair.

MR. GEORGE'S CASE.

The President then asked Mr. George whether he had “any participation in the ‘Fly Sheets.’” (Loud cries.)

Mr. George said he found himself unexpectedly in a very awkward position.

* It undoubtedly happens, much oftener than it should, that a person guilty of heinous crimes, being brought before his judges, nothing can be alleged against him but appearances, or violent presumptions. If the accused has the *question* given him, he has sometimes the strength to outbrave it, and not confess a tittle. What must be done in this case? Must he be condemned! No! The judge cannot exceed his commission, he cannot condemn a man to the gallows upon any presumption how violent soever. The party must either confess his crime, or be fairly convicted by witnesses of good reputation, persisting and agreeing in their evidence against him. Where these circumstances are wanting, the greatest malefactor upon earth must be acquitted, and the judge not wanting in the least to his duty, consequently the command of God for punishing malefactors amounts to this—*You shall punish only those who are convicted of the crimes they stand charged with.*—BAYLE.

The President said that having forced himself into it he must now answer the question.

Mr. George said that he had reasons for declining ; and would, with permission of the Conference, assign them. (Loud cries from every part of the Conference—" Answer the question 'yes' or 'no!' we don't want your reasons," &c.)

Mr. George was proceeding to state he would give his reasons for not replying to the question in a simple "yes" or "no," when the chair told him that he was not thus to "evade the question." Many voices were heard shouting, "answer the question!" to all which Mr. George replied, "I cannot give up my personal liberty. I cannot act in opposition to my conscience."

Mr. George was degraded from the superintendency, and directed to be severely censured by the President. On being censured from the chair, he said "I submit to the decision of Conference, but am not conscious that I have merited a reproof."

MR. GRIFFITH'S CASE.

The President then resumed his interrogations :—" Mr. Griffith, the Conference has, by an almost unanimous vote, condemned the *Wesleyan Times* newspaper ; and expressed its opinion of any minister who shall countenance it. In the name, then, and in behalf of this Conference, will you engage not to report to the *Wesleyan Times*?"

Mr. Griffith : I will pledge myself not to communicate to the *Wesleyan Times* when every member of this Conference pledges himself not to communicate to the *Watchman*.

Other questions were proposed, to which he replied, that till Conference prohibited communication to the *Watchman*, he could not engage to cease communication with the *Wesleyan Times* ; that if the Conference would aid him in putting down the one, he would aid them putting down the other ; that if others would abandon the *Watchman*, he would abandon the *Wesleyan Times*. Further than this he would not go.

The question was then put to him, "Are you, or are you not, the author of the 'Fly Sheets?'"

The question was repeated, and he was required to give his answer directly—"yes" or "no;" to which he replied, that he would give his reason for not giving a mere answer of "yes" or "no."

This was not allowed him. He declined to answer the question at all, since the Conference would not hear the grounds on which he took his stand.

MR. DUNN'S CASE.

The President : Mr. Dunn, in the name and in behalf of the Conference, I ask you—"Are you the author, or the writer of the 'Fly Sheets?'"

Reply to the question by a simple "yes" or "no." "I must request," said Mr. Dunn, "to give my answer in my own way. Such conduct is unprecedented, and would not be allowed, in any court in the kingdom. It is harsh treatment."

The President assured Mr. Dunn, that it was not his wish to treat him harshly, and again put the question.

"Unless," said the interrogated, "I am allowed to preface my answer with a few observations, and to give an explanation of the course I mean to pursue I do not mean to reply to the question."

The President said that Conference had much business to dispose of, and that there was no time to be lost in needless statements.

Mr. Dunn rejoined, that when the Methodist life or death of men was at stake, Conference had no business which required more patient attention.

This altercation at length terminating, Mr. Dunn recommenced:—It will be remembered by many present, that, when two years ago permission was asked by Mr. Osborn to test the brethren, I entered my protest against the measure, and said that it would breed discord, that it savoured more of Rome than of England, Popery than of Methodism.

The President rose and said with great emphasis—Mr. Dunn is out of order. I will not sit in this chair to have this venerable assembly assailed as Papist. Your proceedings are not inquisitorial. Mr. Dunn must confine himself to the language of decency. You shall have justice, Mr. Dunn, but you shall not insult this venerable assembly. These sentences were followed by loud and voiciferous cheers from all parts of the Conference.

Again making an attempt to reply, but being told by the President that all the Conference would listen to was a categorical answer, yes or no, Mr. Dunn replied again that if he were not allowed to make explanatory observations, he would give no answer at all.

He then retired to his seat, the President observing, “You have had an opportunity to clear yourself with your brethren, and you have used it to insult the Conference!”

Mr. Learoyd remarked, that, at the Liverpool Conference he understood Mr. Dunn to have disavowed any connection with the “Fly Sheets.”

The President inquired whether Mr. Dunn had deputed Mr. Learoyd to make this statement?

“No,” replied Mr. Dunn, in a tone and voice that showed the decision and earnestness of the man.

The President said that Mr. Dunn had had “full liberty” to reply to the question.

“I deny it,” said Mr. Dunn. (Great confusion and sensation.)

Mr. Naylor moved, and Mr. Duncan seconded Mr. Dunn’s immediate withdrawal from the Conference—he had given the “lie direct” to the President.

Mr. Dunn attempted to reply, but was unable to obtain a hearing.

Many urged that the motion should be put; but Mr. Naylor was very reluctantly induced to withdraw it on the President stating that he was quite satisfied that the chair was supported by the Conference, and that it would not comport with the dignity of the Conference to do anything rashly.

The Conference afterwards consented not to require from Messrs. Dunn and Griffith an answer as to the authorship of the “Fly Sheets,” but required them to submit to the following stipulation, which we are sure they could not have accepted, without compromising their self-respect:—

“FIRST,—That they be reprov’d from the chair of the Conference, and be considered to be disqualified, at present, from being Circuit Superintendents.”

“SECOND,—That they fully satisfy the Conference, if not as to their recent conduct in the matters in question, yet, at least as it respects the course they will pursue in future, and that for this purpose they give to the Conference an absolute and unequivocal pledge of their resolution at once to discontinue their publication of the *Wesley Banner*, and their encouragement of other hostile and offensive publications; and that they also pledge themselves to abstain from taking part, directly or indirectly, in any agitating or devisive proceedings which may be pursued by others, either as to recent acts of discipline, or as to the settled principles and laws of the Connexion.

These terms were proposed to them with the following intimation, “That failing these conditions, they leave the Conference, no alternative but that each of them be forthwith put away from being a member of the Conference or in connection therewith,”

They returned a written reply, giving their reasons at length for their “contumacy,” and conclude by saying, “the conditions are of so degrading a character, that as, if complied with, would necessarily counteract our ministerial use-

fulness, we are not prepared therefore to submit to so unrighteous a judgment."

The expulsion of Messrs. Dunn and Griffith was then put and carried unanimously, with the exception of Mr. Bromley, who spoke a few words, and lifted up his hand against it.

MR. BROMLEY'S CASE.

The President having stated Mr. Bromley's case, several times put the question, "Are you the author or writer of the 'Fly Sheets?'"

Each inquiry elicited precisely the same reply, and, in the same decisive tone, "I have no answer to give to you, Mr. President, or to this Conference, on any subject under the sanction of the law of 1835;" adding, at length, "I am prepared to assign my reasons when you are prepared to hear them."

The President presumed that the Conference was not going to submit its laws to discussion. "You have rejected our system of discipline. To put friendly* questions has always been our usage. From the beginning Conference has asserted its right to put any question to any of its members."

Mr. Bromley: "From the beginning it has been the right of every member of the Conference to withhold an answer."

A discussion on the first Minutes that were issued was terminated by Mr. Bromley saying, with much earnestness, "I have no answer to give, and I will give none!"

"I never can consent to submit to the law of 1835—a law so false in its statements, and so wicked in its principles."

No sentence was passed on Mr. Bromley.

We have no doubt that the Conference acted with the wisdom appropriate to its craft in the selection of victims which it made; but the very cunning displayed proves that no higher object was aimed at than that of preserving their endangered polity, by making an example of those who could be neither intimidated nor coaxed into silence. It is this, and not a desire to free itself from MORAL contamination, which most exactly accords with the conduct pursued by the Conference in the expulsion of Everett, Dunn and Griffith.

But it is urged in the language of the Conference defence, that "the intense bitterness of feeling, in reference to certain excellent ministers, and the other grossly offensive and libellous personalities," by which the Fly Sheets are characterized, justly expose their authors to the charge of immorality. We have no hesitation in stating that this accusation is not sustainable in any sense appropriate to the subject. And we add, that we cannot imagine it to have been sincerely made. To know anything about the working of Methodism, is to be conscious that this system is kept together, in a great degree, by the injurious personalities against the disaffected which are industriously circulated through its societies. No police intelligence relating to the rogues of the land is more perfectly spread, than intelligence relating to the disturbers of Conferential peace is spread from end to end of the Wesleyan community. We could, moreover, easily furnish our readers, from the records of former controversies, with some of the choicest specimens of vulgar defamation afforded by the English language, which

* "Friendly question." What an admirable illustration of the following subtle syllogism:—

"Treating one's neighbour ill from a principle of charity is a good work."

"Now it's treating him ill from a principle of charity to give him such ill treatment of any kind, as may oblige him to get instructed, and heal the diseases of his soul, (i.e., in Presidential phraseology, to make him *page* himself.) It's therefore a good work to give him this sort of ill treatment."

"This is one of the most *dangerous*, and at the same time the most *absurd* sophisms in morality that ever was framed; or by this rule one might justify the most execrable actions."—BAYLE.

have upon them the Book-Room imprimatur, but which, being on the side of Conferential domination, were visited with encouragement instead of reproof. The present controversy, too, as conducted by the agents of the Conference, has abounded with slanderous insinuations and attacks upon character which have far exceeded anything that appeared in the 'Fly Sheets.' See "Vates" and "Papers on Wesleyan Matters" and other anonymous Tracts. Yet the discovered author of the one, J. W. Thomas is honoured with a deputation to Ireland; J. Hannah, who patronised this vile publication, is raised to the office of secretary of Conference in proof of the abhorrence in which Conference holds anonymous slander! While the Mission House circulates, and the Book-Room makes a gain of the vile "Papers." Hypocrisy! And the Watchman, whose staple article from week to week is vituperation and slander of the utmost intensity and virulence, is deemed worthy of being constituted the Conference Gazette! What cant! What inconsistency are the order of the day! MORAL resentment is no respecter of persons. Why, then, has not equal justice been done to the faults of both parties in this respect? Why? Because there was no thought of justice in the case; and it was *party*, and not moral, *resentment* which was entertained.

There is one plea offered by the defenders of the Conference in justification of its conduct which we will just notice. It is said such investigations always characterized the administration of Methodist discipline. Now we admit that every officer is subject to an examination as to his religious experience or character. But we contend such an application of the custom of questioning as was practised in the Conference of 1849 was never contemplated by the law. It was never intended to convey a right to carry this examination into any matter whatever to which they might think fit to apply it. We think then on Methodistic as well as on higher or moral grounds, Messrs. Everett, Dunn, Griffith, Burdsall, George and Bromley were justified in refusing to reply to the questions put to them: and it was an act of impudent assumption to put them. To those who thus endeavoured to entrap them each one might have said, when I gave you authority to investigate my conduct I did so, confiding in your honour for the preservation of the compact between us. I never dreamed of submitting to a scrutiny on your part directed only by a spirit of unlimited impertinence: and I hold you guilty of administering a Christian trust with the base intentions characteristic of a COMMON SPY.

We close our eventful history with the following remarks from the Daily Times of September 3rd:—"Whether such a course be right or wrong, it is at best perfectly unique in this country. No other British tribunal possesses or claims the authority to put "a brotherly question," to a suspected person, and require "a frank and brotherly answer." The rule of all our courts, both ecclesiastical and civil, is charity, which "hopeth all things," and assumes every body to be innocent till he is proved to be guilty. These gentlemen are punished on mere suspicion, and for refusing to criminate themselves. We never heard the like in this country, at least in modern and peaceable times. Talk of the Star Chamber! A man might hold his tongue before that Court, stand his trial, and escape if the evidence failed to support the charge. Of the party themselves, the "Fly Sheets," or the usual practice of the Conference, we know next to nothing. We take these proceedings on the statement of the Conference, and we pronounce them at once A GROSS OUTRAGE ON OUR OLD ENGLISH PRINCIPLES OF FAIR PLAY."

In closing our remarks we ask, is any apology necessary that a "Wesleyan Minister who is not yet expelled" should have dared to superintend this edition; and for having put into form a few facts and scraps furnished by the publisher—and also for having ventured in the nineteenth century to make a few remarks on the Methodist Conference? We think not; and the public will think not; whatever George Osborn may think.

We have not attended the Conference for some years: and by the way, we would just mention that one reason why the decisions of Conference are so unanimous is this—the liberal party whom we own are a minority, have for the present given up attending Conference; believing they have but little chance of success yet; and knowing from bitter experience that every indignity is continually heaped upon them when there. We confess when we read in that fearless and talented paper, the Wesleyan Times, an account of the TRIALS of the brethren: or as the Conference calls them "THE CASES"—for even Conference thinks it were too great an outrage to designate such proceedings TRIALS—we felt our furrowed cheek red with shame; and for once we regretted we were not there to hold up our hand, though it might be like Fielden's "trembling as an aspen leaf," to testify before God and man our strong disapproval of the proceedings of Conference. We looked the Wesleyan Times over and over again for names of men whom we hoped to see standing forward as the defenders of the oppressed—and as the approvers of the man who "having sworn to his own hurt, yet changeth not," but alas! in all that burning record they are absent—or speak with bated breath, or half applaud the deed!

Are we to be punished, if discovered, for making these remarks? Let George Osborn, if he likes, prepare another purge more bitter and more drastic than the last: and send again and again his letters, stating "he is afraid either his letter to us or our answer to him has miscarried, as he has not yet our reply." We say, WE DEFY HIM AND HIS TEST! and should our non-signing lead to our censure or to expulsion, let it be so; since every such act by Conference shall raise us a thousand friends and them ten thousand enemies. Such another victory would prove their overthrow.

We hesitated at first when solicited to write this introduction, and we are conscious of having already inserted a few lines that we read to a member of the Conference some weeks ago. Our position is therefore critical: for while Conference formally thanks Radcliffe, and declares he "has acted an honourable part," and in testimony of approval stations him with the ex-president, who does not see that they hold out by such resolution and conduct their approval and their patronage to spies and informers? But we think the brother we allude to is made of better stuff:—yet in the days of a Radcliffe, a Ryan, and a Curnock, who that writes or reads to a friend what he has written, is safe?

Persecution of every quality, from the most refined to the most vulgar, we have been used to. For who is there belonging to the liberal portion of the Conference but has had many a heavy blow and many a great discouragement. Should a man but speak against the iniquity of a State Church like Stephens, or be in favour of the Abolition of the Corn Laws like Melson: should he try to promote the temperance cause like Tabraham, or be the advocate of revivals, and the friend of such revivalists as Caughey or Greenberry—let him prepare himself for a life whose history when recorded, shall be as the roll of Jeremiah the prophet, "written within and without with lamentation and woe."

What a book of sighs and tears would be the Lives and Sufferings of the NONCONFORMING Methodist Preachers. Talk of the Fly Sheets! why the plain unvarnished history of their sufferings and paltry and contemptible treatment would lay open a scene that would sicken the heart of every man. In the retirement of our study, or sequestered in our garden arbour, we have often talked with the kind brethren who have called to pay us a friendly visit:—one lovely evening, after the close of last Conference, the sun was setting with unusual splendour, bathing the beautiful landscape with his glory, when we were

conversing with a brother on the proceedings of Conference, the Fly Sheets, etc.: we expressed to him our regret he had not held up his hand against their proceedings, when the old gentleman, laying down his pipe, 'heaved a sigh, long drawn and deep, as though remorse was there,' and said, 'My brother, do not add to my misery; I feel ashamed of my seeming neutrality: but alas, with my family, and at my time of life, could I brave the famine and the cold of a Shetland appointment? My life,' continued the venerable old man, 'aye, and your life, would make a more telling Fly Sheet than any that has yet appeared. The indignities I have suffered, in previous years, would break the spirit of any man. After a few years' independent action in Conference I found my brethren grow shy of speaking to me in the presence of any of our leading men: then my motives were misjudged, my conduct misrepresented, and as a consequence, my mind painfully wounded, and my character injured. I saw the hopelessness of the struggle, and I said, it is enough; I will cease my strife. And so, my good sir, has the body of the neutral brethren been manufactured." We assented to his statement, and begged that he would re-light his pipe; but he declined, and giving us his blessing, we parted with him at the gate. With a heavy heart "We returned, and considered all the oppressions that are done under the sun: and behold the tears of such as were oppressed! and they had no comforter; and on the side of their oppressor there was power; but they had no comforter." Then said we, "Envy not the oppressor; choose none of his ways:" "oh my soul, come not into their secret; unto THEIR ASSEMBLY, mine honour, be not thou united!"

The Fly Sheets need no recommendation of ours. Conference by its mad conduct has done more to cause their circulation broad-cast over the land than a thousand pounds spent in advertisements. We pledge ourselves to this edition being a correct reprint of the copies we received through the post. We have said enough. What we have written we have written. All being well we may possibly be at the London Conference: for though of late we have not often let our honour be united to their Assembly, yet could we be satisfied our worthy lay brethren would present themselves at the doors of Conference, and demand an interview with the president, that the wrongs of a generous and an insulted people might be made known, then would we be there; and if no abler advocate comes forward, our voice again shall be heard on the people's side: and should the Dictator himself, and all his cohorts, cry "mackerel and old clothes," we will have our say—

"Cesar's ambition shall be glanced at:
And after this let Cesar seat him sure,
For we will shake him, or worse days endure."

We shall be prepared to defend what we have advanced—and, God being our helper, we will do so.

In witness whereof, we hereunto set our hand, this twenty-fourth day of November, 1849.

A Wesleyan Minister

WHO IS NOT YET EXPELLED

FLY SHEETS

FROM THE

“PRIVATE CORRESPONDENT.”

No. 1.

ON LOCATION, CENTRALIZATION, AND SECULARIZATION.

REPRINT OF THE SECOND EDITION ENLARGED.

“I beseech you, if ever you loved me, and if you now love God and your brethren, to have no respect of persons in stationing the preachers, in choosing the children for Kingswood School, indisposing of the yearly contribution, and the Preachers’ Fund, or any other public money; but do all things with a single eye, as I have done from the beginning. Go on thus doing all things without prejudice or partiality.”—Wesley’s Advice to his Preachers. Works, vol. xiii, p. 217.

“During this period [the last thirty years] our legislation bears intrinsic evidence of being the production of one superior mind. Other parties may have contributed original suggestions, and emendations, but it is obvious that one master hand, for the last generation, has framed the great majority of the acts of our Conference. Besides many minor regulations, dispersed through our annual Minutes, the invaluable system of finance, particularly in the department of the Contingent Fund; the entire constitution of the Missionary Society, of the Theological Institution, and of our Sunday Schools, were framed by the same honoured Minister [The Rev. Jabez Bunting.] There are two other public documents which have contributed, in as high a degree as the best productions of our fathers, to promote the spirit of ardent piety and high toned Christian morality, in our ministerial community, composed by him; the ‘Instructions to Missionaries,’ and the ‘Liverpool Resolutions.’ These being, by authority annually read in our District Meetings at home and abroad, and made the subject of serious conversation and prayer, exert a paramount influence in forming the principles, habits, and characters of our ministers; and essentially contribute to the preservation of the primitive spirit and discipline of Methodism.”—Grindrod’s “Compendium.” Introd., p. 15, 16.* Mr. Grindrod’s sentiments are echoed in the “General Report of the Wesleyan Centenary Fund,” p. 15.

We have selected these two mottos with a view, first, to shew that Doctor Bunting’s whole system of government has been opposed to the advice and practice of Mr. Wesley; his system being of EXCLUSIVENESS, FAVOURITISM,

* Just try the Doctor, in the outset, by the “Liverpool Resolutions,” referred to by Mr. Grindrod, and which are characterised as the reverend gentleman’s own.

DR. BUNTING’S ADVICE TO PREACHERS.

1.—“Let us consecrate ourselves fully and entirely to our proper work.” Minutes, 1828, p. 148, &c.

PRACTICAL INFLUENCE ON THE DOCTOR HIMSELF.

1.—The proper work of a Methodist preacher is to preach the gospel; a work which has been attended to but very partially for many years,—the Doctor excusing himself from week-evening preaching totally, and the greater part of the Sabbath toil.

and SELFISHNESS, as exemplified in the formation and packings of his Committees, his opposition to open, free discussion, in the general assembly, on the more politic and public affairs of the Connexion, and his invariable attempt to confine the knowledge, the power, and privileges of the body to his own chosen few: and secondly, to shew the slender influence the rules, which

2.—“Let us covet earnestly the best gifts, to qualify us for an acceptable, and useful ministry.”—Ibid

3.—“Let us frequently read and carefully study Mr. Wesley’s Rules of a Helper—which relate to the duties of a Preacher and Pastor.”—Ibid.

4.—“Let us have recourse even in our old established circuits to the practice of preaching out of doors—seeking, in order to save that which is lost.”—Ibid.

5.—“In every circuit, let us try to open new places; try again places which have not been recently visited.”—Ibid.

6.—“Let us be increasingly attentive to the supply of the country places already on the plan.”—Ibid.

7.—“Let every Methodist Preacher consider himself as called to be, in point of enterprise, zeal, and diligence, a home Missionary.”—Ibid.

8.—“Let us especially, in the large and old societies, employ some active and zealous men—for the formation of new classes.”—Ibid.

9.—“Let us encourage public prayer-meetings.”—Ibid.

10.—“Let us, at least, in every large town, establish weekly meetings for the children of our friends.”—Ibid.

2.—Instead of the “best gifts,” he has coveted the highest honours, the best and most easy places, together with the most lucrative posts; the whole of which have unfitted him for an “useful,” and in some instances, for an “acceptable ministry.”

3.—That he has read and studied them, there is no doubt; but when was he known to practise them? What says he of the pastorate, except when invited to the tables of the rich?

4.—London, Manchester, Leeds, Liverpool, &c., are “old established places.” Was it ever heard that he “ever preached out of doors” in any one of these places, during his station in them? Has he preached once out of doors in London, where he has been resident for a series of years, and where there are hundreds of thousands that want seeking and saving? Is he known to go out of his way to save one?

5.—Can one “new place”—not one new place of worship (there is honour attached to that) be named—say, since the advice was given? We have not heard of one; nor was he ever remarkable for such adventures.

6.—What are the country places he supplies?

7.—How does this fit the great Locator, who argues in favour of keeping his favourites in office, that the argument may reach himself? Was he ever a Missionary in enterprise, zeal, and diligence? How delightful from a man who has contrived to box himself up in London for years, with full pay and half work!

8.—This harmonizes admirably by either allowing himself or encouraging others, to discountenance or expel such men as David Greenbury, and the Rev. James Caughey, from the pulpit; who, in a couple of years, have formed more new classes than Doctor Bunting has done through the whole period of his Methodistic life.

9.—When is he ever seen encouraging them by his presence? Never.

10.—This comes well from a man who, if ever he attended to the children of others, has neglected the work for years, instead of attending to it weekly; and who has been one of the last to take Mr. Samuel Jackson by the hand, to encourage him in his laudable zeal to save the youth in the schools.

he has imposed upon others, have had upon his own principles, habits, and ministerial character; adopting, by his conduct, the language of those of the clergy of the Established Church, who, in consequence of having run themselves out of health, wealth, and credit, insist on their parishioners "doing as they say, not as they do."

11.—"Let us meet the Societies regularly on the Lord's day, and frequently on the week-day evenings."—*Ibid.*

12.—"Let us revive, where it has been neglected—in every place the observance of—watch nights, private and public bands, and quarterly days of solemn fasting and prayer."—*Ibid.*

13.—"Let us be diligent in pastoral visits to our own people at their own houses, especially to the sick, the careless, and the lukewarm."—*Ibid.*

14.—"Let us pay particular attention to backsliders, and in the spirit of meekness restore such as have been overtaken in a fault."—*Ibid.*

15.—"The various articles in this Minute should be read by every chairman at the next regular annual meeting of his District, and made the subject of serious conversation among the brethren."—*Ibid.*

11.—Where are the Societies that he meets? Is not this, like all other ministerial and pastoral work, thrown upon others?

12.—It would rejoice our hearts to hear too of his attending practically to the duties he here imposes upon others; of course, the public part,—for we know nothing of his fastings once a quarter, though we know something of his work at the tables of the rich in the interim.

13.—How stands he here again? Alas, "Thou art weighed in [thine own] balances and found wanting."

14.—Particularly, we suppose, such as P. C. Turner; overtaken with something more than a fault; but not the thousands, most of whom—if they erred at all, only erred in judgment, who were sacrificed at Manchester, Sheffield, Leeds, &c., in Doctor Warren's case; one of the preachers, in Cornwall, in the latter instance, declaring, that if he did not turn the dissentients out of the church, Doctor Bunting would never forgive him. The latter are to be pursued, as by Bonner and Gardiner.

15.—This Minute the Doctor has either read himself, or heard read for a period of twenty-six years, and we see how admirably he has improved under it; to say nothing of the devout and judicious conversations on its different parts!

How does all this look with the Doctor's "Let us?" We are again reminded of, "Do as I say, not as I do." And yet this man is to be lauded for stamping his image on a system which condemns him—for making laws of which he is the chief transgressor. On any of the brethren not acting up to the spirit and letter of the advice given, or any established rule, no one is more forward in bringing the transgressor to book for it before the Conference, than the Doctor—though the breach may have been a mere oversight; none more ready to enforce the language of Mr. Wesley—"Do not mend, but keep our rules." Now, if the law giver be allowed to violate rule, why not those who are destined to be law-keepers? If one may violate rule, why not two—why not ten, twenty, any given number—nay, the whole body of preachers? Admitting only one privileged transgressor to move on unmolested, in the present day; still we have to look at the precedent, which will, in all probability, be pleaded by posterity; not immediately, it may be, though Mr. John Scott, who has been in training some time, is not without hope, that he will be quietly permitted to enter into the succession. It will be pleaded; if one is found artful enough to create such a position, and tough enough to maintain it, others, besides Mr. Scott, will be found looking wistfully after it. Let it not be imagined for a moment that we object to the Minute: it is admirable; and the men who maintain it are the men in whom we glory. But we abominate the cant of industry, zeal, and piety, without its experience and practice—the act of making laws without keeping them. Did John Wesley act thus? Was he not a pattern of obedience to all the laws he enacted? Did he not lead the way in every thing? Here Doctor Bunting is left immeasurably behind—behind the feeblest preacher in the regular work—is the tail instead of the head! If we cannot break the neck of such inconsistency, we are resolved to expose it in all its odiousness and criminality.

As our object in these sheets is not to sow discord in the body, we are anxious to preserve them, as far as possible, within the range of the priesthood; and whatever may be the quality or amount of sensation produced in the ministerial circle, we are resolved at least to make the attempt to diminish, if not to remove, the evils of which complaints have been so long made by one class of men against another. That impatience and dissatisfaction have been, and are still felt, by many of the more reflecting, on the large amount of expenditure, both of talent and money, when set against the meagre report of good done by men in office, in the Wesleyan Institutions, cannot be denied and that the enquiry which has often been privately awakened, has not called for public investigation, is matter of surprise. Take for instance, the Missionary Report, which will receive more special attention as we proceed. Though the general accounts are annually made public, yet how few in the great mass read them at all? The act, therefore, of condensing them, on a page at the close, and placing them in an inviting form under the eye of the Methodist public, seems very desirable on the part of those who are anxious to conceal anything like extravagance. But that which serves the mass, is not sufficient to satisfy the few, who are anxious to find all correct in the detail: and it is hoped, that attention will be no longer permitted to slumber over the abuses which our sheets are destined to point out; and underneath the weight of which, as well as the nod of the dictator, so many have been heard to groan; anticipating, at the same time, the moment, when either some voice, like the present, shall bid them throw them aside, or some kind providence shall sever the chain that has bound them. The burdens have accumulated with the most artful imperceptibility; the chain thrown around the mind of the preachers, and grasping over the power of office, has been woven of silken threads;—most hard to sever, and most difficult to detect, till even these have become stringent:—and now the Index-hand, pointing to the seat of tyrannous power, may be the means of destroying the artful policy on whose foundation the superstructure of abuses has been raised, stone by stone, at least, for the last twenty-five years. Such, we think, in few words, may be reckoned upon, as a very natural consequence of a proper circulation of our “FLY SHEETS.”

Just a word or so on the manner of our performance. The caustic power employed, and the honest expression of indignation manifested at all manner of abuse, will be differently received by different persons: but, after all, it will not be so much at the general manner that objection will be taken by that portion of the preachers which will be found to sympathize with us, as in the choice of the weapon. It is an axiom with some in this style of warfare, that the Damascus blade is preferable to the Birmingham gun, or the sledge hammer; the one description of weapon, they tell us, is mortal at a blow, but the other mangles, and tears, and leaves the victim just in the state in which commiseration may be excited in his behalf; adding, that the finer the polish the keener the edge, and that the perfectly gentlemanly, but cold sarcasm of a polished style, is much more deadly, than more homely personal allusion. To this, we reply,—we are plain men; we have to do with Truth and Abuse; every nation avails itself of the privilege of using its own weapons, and of observing its own mode of warfare. Were fine writing our object, we would labour to be coldly, cuttingly, classically sarcastic; with, now and then, a forcible home thrust,—but still in the same gentlemanly style, and in the way of polished irony: but Methodism is—or ought to be, plain, simple, honest, straightforward in its character; and if we cannot unhorse our man, compel him to ask our mercy, or else make him writhe on the point of our lance, in any other way than this, we will then resort to the well-tried, exquisitely polished Damascus blade, and at once sever him in twain. We are anxious to cure without killing; and to avoid the closed-door sunning we avowedly attack. We pledge ourselves to one thing:—That the

brethren shall always know where we are in our meaning; and we are not without a strong persuasion, that the men, and especially the Man, whose measures we assail, will see how dangerous it is to rouse the lion from his lair, and how inexpedient it is to put the hand into the hive, to take the honey from the comb, when the bee is at work.

One of the earlier subjects to which we direct attention, and to which we turn the more readily because of its lying at the base of several other evils, is,—

1.—LOCATION. This is opposed to—

1.—The Apostolic plan of spreading Christianity through the nations of the earth. God, to whom alone it appertains to call men to the work of the ministry, cannot have left them in anything like doubt as to the proper sphere in which that ministry is to be exercised: on the contrary, it must be admitted by all who acknowledge the testimony of revelation, that the general field of labour is the world: hence the impossibility of any preacher, however impulsive his zeal, proceeding beyond this measure—"Go ye into the world, and preach the gospel to every creature." Matt. xxviii. 19, 20. Mark xvi. 15, 16. Though the preachers generally, are labouring to fulfil the commission of our lordly itinerating through England, Scotland, and Wales; yet, it is doubtful, whether even they come up to the spirit and letter of the texts just quoted. They leave, however, the gentlemen located in the metropolis far in the rear. But, whatever may be the facts of the case, we contend—

(1.) That the man who is truly called to preach the gospel, is called to preach it to as great a portion of the world as his means and opportunities will admit.

(2.) That what he cannot do in his own person through want of ability and opportunity, he must endeavour to do by others; looking for those places that will best repay cultivation, for the men most likely to cultivate them with success, and for the pecuniary means to send and support those men, till they can be supported by the churches which they form.

2.—Location is opposed to the spirit and practice of Methodism, as introduced and established by its Founder.* He furnished a fine practical exposition of his own, saying—"The world is my parish:" a saying often quoted by the located gentry of the metropolis! with whose habits it is in admirable keeping! No man, calling himself a minister, and more especially a Wesleyan minister, is at liberty to think he is acting up to his commission, while he is confining his labours to one solitary spot, and to one small portion of the realm, if it be convenient or even practicable for him to publish the good news beyond the circle in which he has placed himself. Some think otherwise; but whatever might be the reply offered to them, we are not bound to reason with itinerant ministers precisely in the same way. We place the latter at once in the hands of John Wesley. What says he to some official members, who, long ago, were making an inroad on his itinerant plan? "I beg, therefore, my brethren, for the love of God; for the love of me, your old and well-nigh worn-out servant;

* About two years before Mr. Wesley's death, Mr. T. Olivers being deemed unfit to be continued the Editor of the *Arminian Magazine*, Mr. Wesley introduced the subject of a successor to him in the Conference. Mr. Bradburn named Mr. Moore, as calculated to fill the situation of Editor, both as a man of understanding and possessing some knowledge of letters. Mr. Wesley was silent, as he would never propose to any person to leave the itineracy, while in health to continue it: at the same time he would consider the relative stability of any individual who might be disposed to offer himself. Mr. Moore promptly replied, that "he hoped to live and die a travelling preacher: and that he would not accept of any office which would militate against, what he deemed, his higher, holier, and more imperative duty. See Moore's *Life*, p. 110, 8vo. If, "with the ancients is wisdom," then this, uttered in the presence of Mr. Wesley, ought to settle deep into the spirit of the great Locator of other locators—Doctor Bunting. But a man naturally indolent, will always be seeking ease. This in passing.

or the love of ancient Methodism, which, if itineracy is interrupted, will speedily come to nothing ; for the love of mercy, justice, and truth, all of which will be grievously violated by any allowed inroads on this system ; I beg that you will exert yourselves to the utmost to preserve our itinerant system unimpaired." Again : " It is a shame for any Methodist preacher to confine himself to one place. We are debtors to all the world ; we are called to warn every one, to exhort every one, if by any means we may save some." In reference to two preachers who appeared to have settled, as in the case of the London Secretaries, he further states,—“ It will not answer so well even with regard to those societies with whom P.J. and T.J. have settled. Be their talents ever so great, they will ere long grow dead themselves, and so will most of these that hear them. I know, were I myself to preach one whole year in one place, I should preach both myself and most of my congregation asleep. We have found, by a long experience, that a frequent change of teachers is best. I cannot see, therefore, how any preacher, while he is in health and strength, whether ordained or un-ordained, can ever fix in one place, without a grievous wound to his own conscience and damage to the general work of God.” And shall any calling themselves his sons in the gospel, and affecting to be zealous in the maintenance and promotion of the cause which he had at heart, fritter down his system of itineracy ? Shall Messrs. Bunting, Alder, Beecham, Jackson, Hoole, &c., &c., whose presence is falsely assumed to be so necessary, not to say vitally important, to the right management of our missionary and other interests in London and elsewhere ; shall these be the privileged few, who, at the very time they are lauding Mr. Wesley’s plan and procedure, and affecting to be so anxious for its conservation, to destroy it, by locating themselves in London, and by bartering the spirit of the ministers of Jesus, for one of fleshly ease and sloth ? Spirit of consistency and honesty ! whither art thou fled ?

3.—There is an incongruity between the location of ministerial secretaries and the christian ministers sent forth on foreign missions ; implying separate calls to the same apostolic office ; sending forth others, while luxuriating at home themselves ; hesitating about taking excellent young men out, who offer themselves for the home work only ; and manifesting an anxiety to keep the men out in the missionary field during the period of life !

4.—It is inimical to a fair distribution of ministerial talent ; depriving an important part of the Connexion of the diversity of gifts which God has conferred upon different men, and which are necessary for the perfecting of the saints. According to the report given of Mr. Farrar’s speech, in the “ Watchman,” May 6th, 1846, as delivered at the last Missionary Meeting, in London,—a speech in which he practically professed himself to be the toad-eater of locators and placemen, we might conclude that the metropolitans were borne down by the weight of obligation under which they were laid for the ministerial services of the Missionary Secretaries. Is this the fact ? What are their congregations ? Where their converts ? When their pastoral visits ? What, in short, have they to do with the regular duties of a Wesleyan Preacher ? The office of sending others abroad is converted into a pretext for them to sit down at home. And yet, Mr. A. E. Farrar will bolster these gentlemen up with,—“ that such praise as he could bestow upon the Secretaries was idle ; that he knew from bygone days how heavy such offices were ; that he well knew the gentlemen held no sinecures ; and for one, he felt deeply grateful to God, that the society had such men to fill those offices.” Further stating, “ That if the brethren of London could spare them,—if their services could be dispensed with in the metropolis, they, on the circuits, would open their arms to receive them, and would sit at their feet with much gratitude. Envy was an uncharitable feeling,” he continued, “ but in the provinces they, in all brotherly

love, envied the people of London in the services of such men." Sweet arms full! Noble, disinterested services.

5.—An argument may be drawn from its prejudicial effects upon health. While some are worn down by incessant application to study in one department, others present—not through hard labour—an unnatural degree of obesity: the well-clothed skeletons of the latter of whom, we leave to speak for themselves.* The Missionary Secretaries, Editors, Book Steward, &c., calculate on one Sermon per Sabbath generally; and of that they are often relieved by returned, and other Missionaries, as well as the young men at the Theological Institution, who are converted into a species of common hack for the occasion. Were they to connect hard preaching, with the ease of their being cooped up in London through the year, and breathing a contaminated air, it would reduce the system, and preserve it in good working trim. "Why," Mr. Wesley asks, (Min. Vol. 1. p. 136.) "do so many of our Preachers fall into nervous disorders?" Part of the answer is—and the remainder may be consulted at leisure—"because they do not sufficiently avoid indolence and intemperance. They do indeed use exercise. But many of them do not use enough; not near so much as they did before they were preachers. And sometimes they sit still a whole day. This can never consist with health. They are not intemperate in the vulgar sense: they are neither drunkards nor gluttons. But they take more food than nature requires; particularly in the evening." If one whole day was too much to sit, in the esteem of the man they profess to admire, what must the sitters for years together, in the Centenary Hall, feel on their location? What says the nervous sensibility and nervous irritation of Doctor Bunting on this subject? When he has to do with others than his friends, he cuts and slashes without mercy, and sends men writhing through the Connexion from Conference to Conference, and sometimes for a series of years: touch himself and he is nerve all over! And what says the tremulous pen in the hand of Doctor Alder? Head Inns are not sought for quiet, cold dinners, or light suppers; nor are Inn-keepers,—except in Temperance Hotels, partial to such customers, "particularly in an evening."

6.—Another view of it is, its flagrant injustice towards others, who are compelled to be out in all weathers, and to experience all the inconveniences entailed on itineracy, without the slightest prospect of enjoying the repose of location for a given period. And what, it may be demanded, renders the presence of

* It is certainly not a subject for merriment, but what must have been the feelings of the Parisians, when one of the Missionary Secretaries from London, on trying to enter the pulpit, found himself in a fix, like Punch, in the door-way. Good Mr. Toase was fortunately at hand ascended the pulpit stairs, and by dint of physical force pushed him through the entrance. It was not stated to us in what way he made his egress; but we have no reason to believe that he would scale the battlements in the face of the audience. A farce at the commencement of the service was sufficient, without one at the close. The case reminds us of the title of a curious old work, only part of which we venture to quote—"A Shove for the Heavy..... Christian, &c.

Another case, calculated to put in play the risible faculties, may be noticed:—At the last Manchester Conference, after Doctor Alder had received his title he was anxious to appear in full costume before the public, and to hand down his doctorate to posterity. He urged the Committee, therefore, to allow his portrait to be taken, and to appear a second time in the Wesleyan Magazine; stating, that he thought it ought to appear on public grounds—because of the services he had rendered the Connexion, especially in Canada. A sarcastic wag, Mr. Atherton, referring to the difference in his appearance, being slender when first taken, said, "I for one have no objection to a second appearance, provided all the additional matter is published with it." This gentleman, it would seem, is unusually fond of his face. He was not at the Centenary Meeting in Manchester, and yet he is in front of the Centenary Picture. Having heard of this forth-coming exhibition, and anxious to appear in it, he hastened to the publisher, and requested to be taken and introduced. There was naturally some demur, but Secretaries have good salaries; down went the sovereigns into the teens; and the publisher instantly saw an open door for his admission, and thus smuggled him in, with a few other contraband articles that were not at the meeting.

Doctor Bunting and his coadjutors so necessary to the best management of ~~our~~ ^{our} connexional interests in London? What talents have these men that are peculiar to themselves, that may not be found in one, two, or more hundreds of their brethren? We know of none, unless it be their unseemly vanity, in arrogating, either directly or indirectly, this superiority over their brother ministers. What talent does the Missionary Secretaryship, and the management of our other connexional interests call for, that hundreds of the brethren do not possess? We are not aware of any. But if there were, yet if any other of the brethren possess the talents requisite to the efficient discharge of these services, ought they not to take their fair proportion of the toils and dangers of office, if toils and dangers attach to them?

7.—Circuits are often unnecessarily circumscribed through it; thus striking at the root of itineracy.

8.—Dissatisfaction with itineracy, is one of the natural consequences, owing to its various inconveniences; and it thus becomes the forerunner of a settled ministry. Let the experiment be tried on the four Secretaries at home, which they are trying on others abroad; send the easy Doctor Bunting to Alstone, the dainty Doctor Alder to Shetland, the stately Mr. Beecham to Whitehaven, and the “illustrious” Mr. Hoole among the Welsh mountains! How would they work, and feel, and walk, and eat, after the sweets of metropolitan localization? There would be no cab to cross the street in those quarters. But O, what an injury to such men! What an invasion of right! after enjoying office so long as next to legalize it in their esteem! And then, besides, they are men who have been serving the connexion, as though the preachers in the provinces were not serving the connexion as well as they: and the connexion had not been serving out to themselves in return its fat and its honours. We contend, that the preacher on the poorest circuit is serving the connexion, by his example and by his labours more effectually than our locators; for such an one preserves the spirit of itineracy, is the immediate instrument of bringing sinners to God, and exhibits to the more luxurious the self-denying example of our Lord. Imitate the example of Doctor Bunting, and itineracy is at an end; imbibe the spirit of localizers, and self indulgence will be the order of the day. And yet Doctor Bunting the originator and great exemplar of location, could move Mr. Everett into the ranks, who had been laid aside some years through indisposition; and could ask two successive Conferences, on a second supernumeracy, why he did not again itinerate, and so murder himself because he could preach on the Sabbath,—do part work, though not the whole! What a front?

9.—The preachers are diverted by it from their original designation. In this, we see the utmost danger to the souls of the Secretaries, and others, on being subjected to an almost unavoidable loss of that compassionate concern for the welfare of men’s souls, and that ardent zeal for their salvation so essential to the ministerial office, which constant pulpit exercises are so much calculated to inspire: and we perceive them to be in no small danger, too, of exercising the insolence of office, and of lording it over their brethren in the ministry, as though they were an inferior race of officers, if not of men; thus exalting the secular office in themselves over the apostolic office in others. We add, the longer men are kept in these offices, the greater is there danger of losing the spirit of their calling; and, as we think, all but impossible for them to retain it. And wherefore should men be required, or even allowed, to expose themselves unnecessarily to this danger? And if they see no danger in being placed in such circumstances, yet if we do, why should we be so cruel as to press, or even permit them to abide in them at such risk? Is it either kind or just? If God has called any man into the Christian ministry, he will give him talents for the useful and most acceptable discharge of its duties; and, having received them for the honour of God and for the benefit of man, he can neither innocently

nor safely bury, or barter them away, any more than he can localize the exercise of them, without diminishing his own usefulness, and defrauding the many of that benefit which the giver of them designed they should receive from their use—receive from their fullest exercise in diffusing evangelical truth to all within their range. If these observations have solidity in them, then what shall we think of the character and conduct of those Methodist Preachers, who, in the prime of their health, strength, and means of blessing society, have shut themselves up in the metropolis for the last 15, 20, or 30 years; and who have done this so long, as to have nearly lost all desire, and certainly all enjoyment in ministering the word of life to the people? What shall we think of them! Why, that their case is most ominous and awful.

10.—But there is yet another view to be taken of this subject, which is partially glanced at elsewhere, and that is the insipidity of the ministry of the men who are thus localized and secularized. They are so much given up to the secularities of their offices as to lose all taste for pulpit studies and preparations; and having lost this, they can have no ease of mind while they have any conscience left, till they have worked themselves up to the belief that they have no time left for such exercises; and having reached this point, they can easily persuade themselves that their vapid discourses are perfectly excusable. But as the people cannot think so, their ministrations pall on the taste, and are far less thought of than they formerly were, when they were distinguished for freshness and ease. Of this they are at length aware: but being totally destitute of the inclination and resolution requisite to rouse them to the adoption of those stringent and self-denying measures that are so necessary to the recovery of their lost respect, their ministerial services are continually diminishing in public estimation; and the consequence is, the less they are required to preach, the better they are pleased. And as to pastoral duties, they are out of the question. But their usefulness will meet with a more distinct notice under the secularizing tendency of their offices.

11.—It is the fruitful parent of intrigue; and while the stewards and friends are looking in one direction, the located preachers are looking in another; and employ their influence to secure such men only in the metropolitan appointments, as will either chime in with, or not oppose, their measures. Take the case of Mr. Joseph Fowler. He was appointed for London: but there was no second station found for him; he was not made of sufficiently malleable materials for the clique. Mr. John Scott, on the other hand, has been hawked about from year to year in London, till the people have been drugged with him. A law which was made to keep the venerable Henry Moore and others out of the city, after a limited period, was violated to keep him in, under the pretext of his being so useful as a treasurer to the funds, as though it were one of the highest honours of apostleship to hold the bag, or no other had honesty, prudence, or ability sufficient to hold it but himself. The fact is, he has been found a convenient tool for Doctor Bunting to accomplish work in which he does not wish to appear as the leader. When a man is not approved, arguments are always at hand, either to get quit of him, or prevent his station.

12.—Selfishness, in all its odiousness, is infused into the mind;—men seeking their own—their personal gratification, rather than maintaining the self-denying character of the apostolic Wesley; who urged upon all his preachers to go, not only to those that needed them, but to such as needed them most. One of the arguments employed in favour of the Missionary Secretaries retaining office, is, that the longer they are in the office the better they are acquainted with Missionary affairs; but this is an argument

for life, as they will be much more conversant with the business twenty years hence than now. But what becomes of the knowledge, if not diffused, when these gentlemen drop into the grave with all their hoarded treasures! Let one be changed annually: and never allow a young man—to extend the remark to others—to remain in London, till he assumes the pertness, self-importance, and forwardness of the Rev. Charles Prest. Apart from the Secretaries, is it not easy to perceive, that the argument will apply equally to a settled ministry? The longer a man remains in a circuit, and among a people, the better he becomes acquainted with them; and, in this case, good circuits, like good offices, with easy work and good salaries, will not be often quitted.

13.—Location is at the root of Centralization; furnishing time and opportunity, for men to enter into compact with each other, and so to work for themselves, and for one another, to the injury of others. Centralization was unknown in the body before Doctor Bunting was located in the metropolis; and for a man to be allowed to constitute a state of things so accommodating to his natural indolence, his ambition, his tyranny, his selfishness, and jesuitical cunning, when he must have known, and the brethren must know, no other man would ever be indulged in the same way, is one of the marvels of the nineteenth century.

On the usual impatience being manifested at the length of the Report at the last May meeting, 1846, with some uneasiness on other subjects, Doctor Bunting rose, and from conscientious motives (good man!) entered his "solemn protest" against it; not, observe, against needless expenditure. On finding, towards the close, that his usual adroitness had failed him in the outset, he availed himself of the opportunity of shielding himself and his brethren from the effects produced upon their spirits, by the first edition of our charges on the subject of Salaries, &c., which first "Fly Sheets" seemed to have glanced like a spectre through his mind: as to the impatience of the meeting on hearing the Report, "He could put," he said, "his own construction upon the interruption, and felt grateful for the confidence the meeting placed in the Committee." This is his construction, and we have ours. His native cunning rarely fails him. He advised the audience to read the report, when put into their hands. We will now present him with a few of our "Select Readings," in the following Table.

MISSIONARY SECRETARIES.	YEAR.	ITEMS.	SALARIES.	COALS, &c.	REPAIRS, &c.	TOTAL OF THE THREE ITEMS.	COST OF EACH MAN.
			£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Bunting, Beacham, and Alder.....	1833*	Salaries, including Clerks, £964 18s 7d. stated as the year following ... Repairs, furniture, and purchase of a house in Hutton Garden	364 18 7	..	1367 3 2	1732 1 9	577 7 3
Do.	1834	Salaries of 3 Secretaries. Do. Arrears of Deceased Secretaries .. Medical Expenses, & Mr. James' Funrl. Repairs and furniture for the Mission House, and 3 Secretaries' Houses .. Coals, Candles, Taxes, Rates, Insurance, &c., for Mission House and Secretaries' Houses ..	369 9 0 197 17 0 208 4 9 .. ..	..	362 16 9	..	..
Do.	1835	Salaries of 3 Secretaries .. Repairs of Mission House, and Secretaries' Houses, additional furniture. Coals, Candles, Taxes, Rates &c for do. Medical Expenses for Secretaries, & Mr Watson's death, &c. ....	.. 189 9 9 .. 69 4 9 645 3 8	495 11 5 .. 430 16 5 ..	..	1633 18 11	541 6 3½
Bunting, Beacham, Alder, Hoole....	1836	Salaries of 4 Secretaries. Repairs and additional furniture for Mission House and Secretaries .. Coals, Candles, Taxes, Rates, &c. for Mission House & Secretaries' Houses	.. .. ..	..	382 5 11 280 3 10	..	..
Do.....	1837	Salaries of 4 Secretaries, in part.... Repairs and furniture for Mission House and Secretaries' Houses ... Coals, Candles, Taxes, &c. for Mission House and Secretaries' Houses ..	489 10 10	502 12 9 ..	..	1428 0 3	314 17 3
Do....	1838	Salaries of 4 Secretaries for 1837, and remainder of 1836 Repairs and furniture for Secretaries' Houses and Mission House..... Coals, Candles, Taxes, &c. for Secretaries' Houses and Mission House	847 14 9	591 10 1 ..	178 7 3 ..	1459 8 2	357 0 1
				537 10 7	374 10 9	1759 16 1	439 19 0½

MISSIONARY SECRETARIES.	YEAR.	ITEMS.	SALARIES		COALS, &c.		REPAIRS, &c.		TOTAL OF THE THREE ITEMS.		COST OF EACH MAN.	
			£.	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
Bunting, Beecham, Alder, Hoole	1839*	Salaries of 4 Secretaries	629	15 11								
		Repairs and furniture for Secretaries' Houses and Mission House .....	..	..	..	..	441	18 6				
		Coals, Candles, Taxes, &c. for Secretaries' Houses and Mission House ..	..	..	674	19 5	..	..	1746	13 10	436	13 5
Do.	1840	Salaries of 4 Secretaries	678	8 9								
		Repairs and furniture for Mission House and Secretaries' Houses .....	..	..	..	..	199	2 8				
		Coals, Candles, Taxes, &c. for Mission House and Secretaries' Houses .....	..	..	535	0 1	..	..	1412	11 6	353	2 10½
Do.	1841	Salaries of 4 Secretaries, in part	629	10 4								
		Repairs and furniture for each .....	..	..	..	..	173	13 11				
		Coals, Candles, Taxes, &c. ....	..	..	427	3 11	..	..	1236	8 2	309	2 0½
Do.	1842	Salaries of 4 Secretaries	641	14 0								
		Repairs and furniture ..	..	..	..	..	184	6 9				
		Coals, Candles, Taxes, &c. ....	..	..	561	18 6	..	..	1387	19 3	346	19 9
Do.	1843	Salaries of 4 Secretaries	627	1 6								
		Repairs and furniture (now that the Mission House is left out) .....	..	..	..	..	352	5 9				
		Coals, Candles, Taxes, (Mission House omitted here too) .....	..	..	577	7 9	..	..	1556	15 0	389	3 9
Do.	1844	Salaries of 4 Secretaries	626	18 6								
		Repairs and furniture ..	..	..	..	..	273	16 11				
		Coals, Candles, Taxes, &c. ....	..	..	547	2 10	..	..	1447	18 3	361	19 6
Do.	1845	Salaries of 4 Secretaries	574	18 6								
		Repairs and furniture ..	..	..	..	..	366	6 4				
		Coals, Candles, Taxes, &c. ....	..	..	499	12 1	..	..	1440	16 11	360	4 2½
TOTAL DURING THIRTEEN YEARS												
Bunting, Beecham, Alder, and Hoole.		Salaries, Repairs, Coals, Taxes, &c.	8090	0 7	6331	5 10	4942	18 7	19414	5 0	5248	1 0

* The dates are, according to the title-page of each "Report," as "ending the year, April, 1833," &c.; £600 will be found deducted for "Clerks and other assistants," mixed up with the "Salaries" of the Secretaries, for 1833.

REMARKS ON THE FOREGOING TABLE.

1. The calculations are taken for a period of thirteen years; from 1833 to 1845.

2. From 1833 to 1836, there were only three Secretaries on the Reports; consequently, as the average is for four, it will be in favour of the three; the calculation going on their having received equal to the four in subsequent years.

3. From 1834 to 1843, the Repairs, Furniture, Coals, Candles, Rates, Taxes, &c., of the MISSION HOUSE were mixed up with the HOUSES of the SECRETARIES. But this of little importance; for when the covering was taken off, the expenses absolutely accumulated on the part of the Secretaries. By looking at the united expenses of the two columns in which the items named are included, the Mission House, and the Houses of the Secretaries, cost, in 1836, £769 17s. 4d.; in 1837, £782 10s. 8d.; 1841, £606 17s. 10d.; in 1842, which was the year before they were separated, £645 5s. 3d.; whereas, the cost in the same items, for the Secretaries Houses alone, amounting in 1843, the year after the separation, to £929 13s. 6d.; in 1844, to £820 19s. 9d.; in 1845, to £964 18s. 5d. The less, therefore, this part of the expenditure is explored the better. The article of furniture alone is sufficient to furnish the houses of a whole village. Either there must have been wanton destruction,—or the houses must be stocked like furniture warehouses,—or the prominence given to the article must have been to serve as a decoy to cover something else.

4. With the exception of 1834 and 1835, in the case of the demise of Messrs. James and Watson, no medical attendance is noticed. Here then, with the exception of these two solitary cases, we find several serious omissions in these accounts. (1.) Medicine and Medical Attendance, both of which are often very heavy, though necessary and proper. (2.) Children,—ten guineas each. (3.) Domestic Servants,—twenty guineas. (4.) Travelling Expenses.* (5.) The advantages arising from boarding Missionaries, &c., while in the metropolis, who are often abroad, when preaching and attending Missionary Meetings; all of which tell in the shape of perquisites.

5. Exclusive of the five items just noticed, which will form a round sum at the end of the year, each Secretary has cost the Missionary Fund, on an average, for the last thirteen years, the sum of £373 7s. per annum. A handsome sum for a man and his wife—upwards of ONE GUINEA per

* These in the case of Doctor Alder, will be heavy, as he travels in the first class carriages, and frequently stops at the first inns, to the great pain of our best friends, who ask, where the moral feeling of a man is to be found who prefers the mixed company of a hotel to the religious quiet of a Wesleyan family? We may just state that we have a long list of places, and we are not without a tolerably correct knowledge of several of the charges. If he escape with less than twenty shillings for tea, supper, breakfast, liquors, boots, waiters, and bed, he, or more properly the subscribers to the funds, may congratulate themselves upon the sight of a moderate bill. This gentleman, with whose habits we are pretty familiar, refuses to charge for his expenses in the country; he takes them to London, and charges what he judges proper, without a single provincial check, while his brethren deputationists and others are watched at every point, and have to undergo an annual drilling in the District Committee, on the subject of economy and retrenchment! It may be added, that the hard treatment, scanty allowance, and threatenings to abridge still more the stipends of the Missionaries, render it doubly painful, when it is known that the screw is put on by persons who are at ease at home, and fed on the fat of the land. We ask, in closing this note, why inns are preferred to private houses? Two reasons have been suggested to us. Scouts are on the alert.—We say nothing on the subject of a post-chaise for the Doctor alone, a distance of nearly 40 miles and back, when only an outside seat has been at liberty, though we could tell some tales here too.

day!!! Add the other items, with the exception of Travelling Expenses, and the advantage of a Lodging House for Missionaries—all of which enhance the value of the office, as the Secretaries are in full pay even while travelling, and it will be found, that these four men have cost the Fund, for personal comfort, not less than £500 per man, or Two THOUSAND per annum! Why, the men might have saved fortunes out of this income, instead of being in the “shallows,” as one of them has been found to be.* And yet this is not all, for,—

* Independent of Dr. Bunting's salary, he received what can be demonstrated to be little less than a bribe, from his lay friends, at a select breakfast given to him on his being elected President a fourth time, by a party of high-flying Tories, whom he has yoked to himself in the “Watchman,” and Connexional Committees, the better to rule the Wesleyan body. Prior to this, he possessed high independence, and would have considered his fair fame seriously injured to be even suspected of envy; and was in the habit of sporting with the feelings of his ministerial brethren, who were presented with tokens of respect from their hearers, by stating that such men were “silvered, or lackered over with the precious metal,” and that, when he heard of such distinctions, whether in plate or what else, he was led to conclude that there was something wrong at the bottom. This was all taken for gospel till, as we have observed above, he found himself in the “shallows,” and his personal friend, the Rev. J. Bowers, was found quietly stealing his way through a certain circle, to raise the wind for him, and till, in the midst of that circle [we have their names] he was presented, as we are informed, over the breakfast table with no less a sum than 2000*l.*!!! This statement, which was made in the first edition, has been objected to by the friends of Doctor Bunting, and with a view to falsify the whole, they have taken exceptions to particular parts. They have been pleased to state that it was not 2000*l.*; that the money never passed through the hands of Doctor Bunting; that he knew nothing of the desigus of his friends till he was surprised into the fact that his liabilities had ceased to exist, &c. All this is mere moonshine. We still have the fact (disprove it who can) that a subscription of several hundreds of pounds, entering into the teens, was made for Doctor Bunting by the Rev. John Bowers, and his less influential partner, Mr. ———; and that Messrs. Hargraves, Wood, Heald, Farmer, Sands, Rothwell, &c., were the chief donors. It is a matter of no importance to us, and was of little moment to Doctor Bunting, whether the money crossed the table, or whether the announcement only was made that his liabilities, the amount of which he well knew, had been paid by himself, or by the hand of another. The announcement was as good as gold to him. But the point on which we lay the most stress is the fact of the Doctor imputing wrong motives in other cases, and the result of such a boon on the Connexion in the shape of lay influence. It never entered our minds that Doctor Bunting was privy to the thing till the fact was revealed at the breakfast table. With that we have nothing to do. The fact is, that Mr. Bowers, as in another case, was chief beggar. He did not succeed in every instance, but he did in most, and especially with his father-in-law, who was among the noblest of the nobles. But this is what we wish to be at. Will any of these lay gentlemen be knocked off the Connexional Committees after this, like other independent men who might be named, and whose names have been erased from the lists because of their honesty, and their not having taken up their degrees in the college of Truckledom? Will Dr. Bunting cease to aid the “Watchman” with all the Connexional Advertisements in his power—a paper in which he himself does not only feel a personal interest, but of which the presentationists are proprietors? Then, look again at Mr. Bowers. He is one of Doctor Bunting's friends, and was presented with the suncure of Governorship at the Didsbury Institution the year before. One good turn deserves another—John begs for Jabez the year after. Lay influence purchased, and independence sold over the breakfast table at Birmingham!!! Having thus become lackered with gold instead of silver, we hear no more high spirited flourishes on the subject of silvering. When it comes to his own turn, all is received as matter of merit! To suspect anything bad, either at the bottom or the top, would be treason; and it was hoped by the party that the thing bought and sold would die with them. But, no—a bird of the air was present, and the haughty spirit of the Dictator—purchased by lay cash—is found moulting instead of soaring before the Wesleyan public. He has always been observed to pay an idolatrous homage to the rich; and he has been handsomely requited for it. We do not say he asked for it, but neither did his brethren solicit their presentations; and whatever his liabilities might have been, and for whomsoever entered into, it was no more justifiable in him to take upon himself liabilities which he could not meet than it was for Mr. Cubitt to contract debts which he could not pay. Both cases are subject to the charge of deception—inducing persons to build upon a sandy foundation. It is of no importance whether Doctor Bunting was rendered liable by promise beforehand, or stepped in as a volunteer afterwards. He knew, in either case, his inability to meet anything of the kind. But it is the influence of the gift on the body we chiefly look at and insist upon.

6. We have another entry, in connection with the Salaries, which implies much more than is expressed. Whatever is actually received, there is still more in the rear: the amount received is only "in part." What not satisfied yet?*

Whatever wriggling, shuffling, and softening, there may be, we have taken our stand, and think we have a right, as subscribers to the Missionary Fund, to know what becomes of our moneys, and whether retrenchments cannot be made in the metropolis as well as in the provinces. We have in these "pickings" alone from the Missionary Fund, if there were no other inducements, a substantial reason for Doctor Bunting's location and for the tenacious hold he has kept of London, where he has been found nestling for so many years. We have been shewn a letter from him to Mr. Walter Griffith, by one of our friends, in which, in the early part of 1803, he entreats Mr. Griffith to employ all his influence to secure him an appointment in London. From hence, it appears, he was early at work, and entertained exalted notions and aims, from the commencement of his career. No wonder that Mr. Fowler's proposal for a change should be taken in the manner it was; for the man of down, of softness, and of ease, would naturally conclude, that it might ultimately come round to himself. "Doth Job serve God for nought?"

Mr. William Thompson, who first filled the Presidential chair after the death of Mr. Wesley, was the first to propose District Meetings after the manner of the Scotch Presbytery. He also proposed the superannuations of supernumeraries, at the close of the first four years of their supernumeracy; and the argument employed in the case was, to prevent local influence. It was on this ground, too, that Doctor Bunting argued in favour of the measure in after years. The law respecting a change of stewards is well known; and great zeal is excited, and great anxiety manifested, to remove them from office, when they begin to exercise unlawful authority, or do not please the

*The ever memorable William Dawson was not allowed to go on the Missionary Fund; it was too sacred a thing for him; the Connexion, therefore, was to be traversed from one end to the other to raise an annuity for him to do the drudgery of these four privileged beings, when the paltry sum of 150*l.* per annum could only be raised for him to do the outdoor work of these home servants—work which proved his death—the heaviest part of which was laid upon him. A short time after this, Mr. Jackson, was handed forward to London by one of Doctor Bunting's sons, and some others who were among the Doctor's benefactors at Birmingham, and according to a previous plan, (though a resolution of the Manchester Auxiliary Missionary Meeting was made the instrument, and obtained the credit with the uninitiated) passed muster before the Doctor, who, good man, could not do otherwise, as it was known to have come from what has been designated his chief workshop—Manchester—and was an additional easy chair for him; and so the Missionary Fund, which was too ecclesiastical in its character to be touched by a layman like Dawson, but who, nevertheless, preached and speechified more than the whole four Apostolic Secretaries, was to be saddled with a man, his wife, and nine children, at a cost of 200*l.* a year, exclusive of travelling expenses!! This business was all done, and the family removed to London, before the Conference of 1815, under the sanction of that great law-maker and law-breaker, Doctor Bunting; and then the Conference (centered in himself) was asked, in solemn mockery, for its sanction. Any other man would have been hung in chains for this, by the hand of Doctor Bunting himself. But think of this schemer and his colleagues trying to impress some of the brethren with the notion of a providence in the whole affair; that while they were thinking on the subject in London, their friends in Manchester were thus meeting them by the resolutions!!! Think again of this poor fellow, with his wife and nine children—eleven of them, being indulged with 200*l.*, and Doctor Alder and his lady costing the Fund, at least, 500*l.* per annum; and Dawson only 150*l.* These gentry seem to go on the principle of the less labour the greater the pay. When the Book-Committee purchased Mr. Watson's MSS. at a cost of 2000*l.* Doctor Bunting proposed afterwards that the Conference should be consulted and give its sanction before so much money should be voted away. He forgot his own rule when his convenience was to be consulted in the case of Mr. Jackson.

preachers; a point carefully and properly watched and insisted on by Doctor Bunting himself when he had the care of a circuit; and yet, he can secure for himself, in a more perilous position to the connexion, what he was careful to refuse to others, by contriving to accept a location in London of the one-half of his ministerial life!—a place in which the principles of centralization (of which more anon) have been carried out in its most pernicious forms, with a view to concentrate the whole influence of the body—where he is chargeable with drawing that influence round himself, and wielding it to his own purposes; making London, in fact, the seat of Wesleyan State—the metropolis of Methodism—himself at the head, as its sovereign. On being fairly seated in the office of Secretary to the Missionary Society, and President of the Theological Institution—the latter of which he has been charged, with his usual cunning and foresight, of cautiously delaying till the coast was clear of Benson, Clark, and Watson, any of whom might have become powerful competitors; he was in no way anxious for a change: nor were they any of the preachers who dared to propose a change, as it respected himself, except Doctor Beaumont. And those present at the Conference Missionary Committee, in London, a few years ago, can never forget the indignant resistance which he made to the honest and manful proposition of this noble man, who recommended his removal from office, as beneficial to the locator himself, and to the Connexion; and in no way prejudicial to the interests of the Missionary Society. This was bitterly complained of in the Conference by Doctor Bunting, stating, with a view to enlist the sympathies of the brethren, that he could bear such things before them, but that it was painful to be humbled before the laity. Mr. Joseph Fowler, after this, hinted the propriety of a change in the case of Messrs. Beecham, Alder, and Hoole. Doctor Bunting, here again, reddened, and, by way of warding off the proposed change, artfully, as is customary with him when pinched, put himself and his colleagues in the attitude of self-defence, as though a charge had been preferred against them of incapacity or unfaithfulness; and in consequence of this blinder, by shifting the ground, a shout of praise was heard from the interested gentry on the platform; and the subject was permitted to drop. This is what we suppose he means by meekly hearing certain things before the brethren in Conference, which his dignity cannot endure in Committee before the laity! Now, the question is, (1.) Why allow a few men to continue in office so long as to become an annoyance to, and give them an influence over their brethren, in consequence of the assumed importance of that office,—the brethren, many of whom are their superiors in intellect, their equals in piety, and their seniors in standing! (2.) Why permit men to remain so long in office, as either to unfit them for the regular itinerant work, or to make it irksome to them, and so, uncomfortable in it? (3.) Why continue a man in office so long, as to make him unwilling to leave it, or to take it in dudgeon, Dictator like, as though injured, on the suggestion of a change. What means the sentence, uttered by both preachers and people, from one end of the land to the other?—"When Doctor Bunting dies there will be a change." It speaks an awful state of things, and an amazing amount of restless smothered feeling. "When he goes," said another, "poor Beecham, Alder, and Hoole, will scarcely have time to pack up their trappings." This, though not direct comparison is intended, reminds us of some of the hurried movements from the palace on the death of George IV

From what has been advanced on the subject of location, is it any wonder that the ministry of such men as are interested in the question, should become powerless and tasteless to the people? Or that public expectation, of good to

be derived from their pulpit labours, should be all but defunct? It would be marvelous if it were otherwise. But this is not the worst; for that ministry which awakens in the breasts of the people no expectation of good, is sure to induce a disposition to slight and condemn it, together with the ordinances that are conducted by it; and it invariably issues in a neglect of the house of God, a loss of all true religion, and in total apostacy.

II.—CENTRALIZATION. This is an advance upon location, inasmuch as the individual only may be located; but here we refer to a number of persons thrown together for specific objects; and the objects themselves advanced as a plea for binding them to the spot. It may be proper to advert to—

(1.) The progressive steps that they have led to the centralization system.

1.—The Book-Room. This is of ancient date; and as its necessity will be admitted by all, so its evils, arising from undue influence, were few, from the fact of the Committee being repeatedly changed, and the members of it having formerly only two located brethren to contend with, viz.:—the Editor and Book-Steward. Still, even here, there is a tyranny very often exercised by the Book-Steward, owing to long continuance in office, excessively annoying to the Brethren.

2.—The Committee of Privileges. We have this in the metropolis, with its offices, meetings, and paraphernalia; and, in different periods of its history, we find it graced with the names of Doctor Bennett, T. P. Bunting, &c.

3.—The Missions. Here is the great starting point of abuse; and the occasion was seized with avidity by Mr. Bunting. He was first to propose a house and office for the Missionary Secretary: he knew what he was doing: Mr. Benson argued strongly against the measure, and cautioned the Conference against what he termed "Brother Bunting's colouring." The latter, however, gained the day, and obtained a settlement by the plan, as indeed, he has profited by most of his other schemes.

4.—The Meetings of the Connexional Committees held in the intervals of Conference. We ask was this the case, before Doctor Bunting rose to power? or would it be the case now, if he were not located in the city? So, to suit his purposes, the freedom and well-being of the body must be menaced, by placing the cords or strings by which the machinery of Methodism is to be regulated, either immediately in his hand, or constantly within his reach!

5.—The President. The practice of removing the in-coming President to London is "part and parcel" of Doctor Bunting's policy; and this appears to have been projected from interested motives,—that he might squat himself the more plausibly and complacently in the seat of state; and the honour applying to others, as well as himself, he was of course the less suspected in strenuously wishing it. Doctor Newton is an exception; but the reason to be assigned is, that his good lady prefers the country.

6.—The Theological Institution. This, with its officers and students, are employed to serve and save the Secretaries, and others, from the toils of the ministry. A branch, it is true, has been established at Didsbury; but still the parent expects to have homage rendered to it in the metropolis; and the President of both must there also sway the sceptre: not forgetting that the branch has been delightfully located in the centre of Doctor Bunting's lay supporters.

7.—The assumed authority of the London District.

(1.) In issuing tests to all other District Committees, as in Doctor Warren's case; to the principle of which some of the brethren objected, and for which they were blackballed, though among the brightest ornaments and firmest supporters of Methodism.*

* Doctor Beaumont is an example, who, when proposed as a member of the "Hundred," was objected to by Mr. Grindrod, because he did not sign the "Declaration," and so voted the London District Committee with the authority of a Conference!!

(2.) In taking upon themselves the office, and assuming the right, to catechise the members of other Districts, as in the case of the "Wesleyan Takings."*

(3.) In sanctioning, in their collective form, and in their official character, schisms in other sections of the christian community, as in the case of the Free Church of Scotland, before the sense of the Conference could be obtained.† Let other Districts act in this way without the sanction of Conference, on any subject the members may choose to take up, and what will become of the unity of the body? Doctor Bunting himself, good man, would look like "Widow Placid," under such circumstances, without her head-dress. In each of these cases, we say nothing of the separate questions, we simply protest against the assumption of the District Committee, each man lending his signature to a document published in the Watchman, under the influence of Doctor Bunting. When in Liverpool, he headed the protest of the District Committee there with his name, against Sunday Travelling by Railway; and yet, we have entries made of time, place, and occasion, in which, since then, he has travelled scores of miles by railway on God's blessed day.

8.—The final Examination of Candidates for the Ministry. When this was proposed, Mr. Vevers, and others, opposed it. And well might they:

(1.) It goes on the supposition, that the London brethren are the men, and wisdom will die with them.

(2.) It is a reflection on all the other Districts, and especially the more respectable, which entertain the Conferences, and in which men of first-rate talents are to be found.

This measure, like many other startling measures, was stealthily brought in at the close of the Conference, when many of the brethren had left, and others were jaded with its heat and its toil; but was afterwards denuded of some of its worst features. Against the appointment of any one of these Committees, with the exception of the last, whether in London or elsewhere, on their own account, our opposition is not so much to be understood, as in the manifest design of the thing. We have sense enough to know, that it is of importance to have our forces concentrated, whether civil, military, or ecclesiastical, that we may be able to bring them to act either in a combined or in a separate form, either simultaneously or successively, as the case may require: but we do object to their being drawn to one place by aspiring men who are incessantly grasping at the management of all our Connexional affairs, and who cannot attain their object so well, if at all, unless these things be placed in London: men, whose affection for, and interest in, the country parts of the Connexion, have been annihilated by their long residence in the metropolis. There it is, that they find their connections, their friends, their interests, and nearly all that is dear to them. On this account, they cannot leave London; and hence, if they are to be leading men in, and governors of the body, the apparatus which they have to manage, must be there.

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Mr. Scarth of Leeds, one of Doctor Bunting's friends, spoke out on the centralization system, in one of the more recent Committees, strongly and honestly; and could not see why the country should not share in the power and privileges of the metropolis, being possessed of equal sense, and more abundant in contributions. We say, why not shift them with the Conference? It does not suit the policy of the sovereign.

(11.) The baneful influence which Centralization has on the Conference, constituting in itself, as some of the preachers observe, a Conference within a Conference; the latter forming only an outer circle, into which the brethren are admitted, with little or no power, and with but a partial knowledge of the wheels that work the machinery.

The old preachers, on the death of Mr. Wesley, before Methodism had reached maturity, in the change of officers, had comparatively little power, in giving effect to their choice of men and measures. Doctor Bunting has been driven to more elaborate means in choosing men, owing to the magnitude of the body, and from the danger of being unhooded in his secret plans; and therefore, resorted, by his Nomination Committee, to the form of close nomination, as in civil affairs in the twelfth century; for though his chosen men have to pass the Conference, all is settled beforehand by the centralized band, in London; and then, to give form and legality to the whole, the several measures are gracefully proposed by them, either in committee or from the platform; so that the Conference platform, as stated elsewhere, becomes practically, a stifler of the spirit of freedom, in whatever form it periodically exists; being, with few exceptions, mostly the same, in consequence of the manœuvres and power of the London clique. The centralization system leads to—

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simple direction, their is less ability to detect either the fallacies of argument or the selfishness of human nature. These things are all turned to a personal account by the Doctor, and hence his arbitrary sway. But even, apart from the Doctor, one of the tendencies of the centralizing system is, to tempt the brethren in London to assume an air of superiority over their brethren in the country; a superiority to which they are on no account entitled, whether on the ground of talent, service, or ministerial character; and which they cannot be allowed to exercise, but at the risk of the liberties, the purity, and peace of the Connexion. Hence another evil:

2.—Pride. When a suitable title was wanted to distinguish Doctor Bunting from his fellows in the Theological Institution, he objected to Governor, as that was too much like the superintendent and visitor of a Parish Work-house; and besides, as he wished to have a governor under him, the only title with which he could be at all satisfied, was that of President, implying dignity and ease. He must be head, or nothing; and to do nothing, best comports with his nature. When the Didsbury Institution was proposed, he objected to its being anything but a Branch, and pleaded for one President for the two. This was modest. He was not disposed to have a rival. Supremacy was his object. We have heard it stated, by students of the Institution connected with the metropolis, that during the two and three years of their residence in it, they never saw the face of Doctor Bunting within its walls. They had heard of him attending committees; but it was too great an act of condescension for the king, during that part of his progress, to stop to look at, and shew that he had really an interest in the candidates for the ministry, and interest in anything, in short, but his own honours. For parade, look at the Centenary Hall, with its livery servants ushering gentlemen into the august presence of the sovereign, or telling them to wait till royalty is disposed to give audience; look at the Wesleyan soirees, the cab and carriage driving in the metropolis, the head inns and first class carriages in the country: look at the platforms and their furniture, animate and inanimate!

3.—Partiality. We here include personal gratification in all its various forms. Having all power in their own hand, it leads to this: and it will be generally found, that those who aspire to govern others rather than themselves, will descend to meanness which the truly noble cannot brook. We look at the subject.—

(1.) In the case of salaries. Here we again refer to our table of costs, and the items omitted, for the sums which the self-denying Secretaries have appropriated to themselves, while teaching the Missionaries, and others, economy, and applying the screw to both children and adults, to rich and poor, at public meetings, and at Christmas, to give. We have stated elsewhere, that the Secretaries do not cost the Fund less than £500 per annum each. Look at this. They (or the Committee through them, which amounts to the same thing) call Mr. Jackson from Manchester, with a wife and nine children—cleven in all! and give him £200 per annum, out of which he has to find food, raiment, house-rent, taxes, servants, money to meet Doctors' bills, &c., &c. Doctor Alder, on the other hand, costs, for his wife and himself, (having no children) exclusive of travelling expenses, at least, twice the amount!! We lie pretty soft, when we have it in our power to feather our own nests. In saying twice the amount, we, of course, omit children, or we could go on to a higher figure, stated in another place. We look at the subject—

(2.) In the selection of men:

News, and standing out like a pair of panniers. A pocket Bible would not only occupy less room, but would be much more in character, as well as suitable for the study of the President of the Theological Institution. And yet the House of Commons and the News of the day, will do for a wily politician, who has taken his cue from thence. The Dissenters seem to understand this part of the character, as clearly as ourselves. See the "Eclectic Review," for August, 1846, especially p. 139; but the whole character is worth reading.

1. For London. Even the meek, the gentle, but innocently sly Joseph Entwisle could say, quietly, "Oh, we must n't have Doctor Beaumont in London, he wou'd do for us." The question was not whether he would do for the people, the circuit, or the work of God: but for *us*—the located, centralized clique. Most of the London stations are at the beck and disposal of the party. The ears of the stewards are open to their whispers; and these are carefully selected. They are in the quarterly meetings, in the stationing Committees, in the Conference—steady to their purpose—with their eyes fixed upon their chosen and marked men. When Mr. Fowler, as already stated, was appointed for London, either as an experiment or through some fatality which the party could not control, he remained only three years: there was not another circuit found for him: he did not suit the brethren, who say, "he wou'd do for us."

2. For Committees. A reference to the Minutes of Conference goes to establish the fact, that Doctor Bunting's clique are in the habit of not only helping each other from one London circuit to another, and to the best circuits in the Connexion, but from one Committee to another, to the great annoyance of the people, and the great injury of their ministerial brethren. Besides chairmanship, representativeship, superintendency, deputation work, and a number of minor honours and Committees, we find certain men, denominated Doctor Bunting's clique, from the circumstances of their acting with him, and his finding them helpful to his plans, generally holding the highest official stations in the Connexion, and placed on the more general, important, and influential Committees: while men of standing, eminence, piety, usefulness, and intellect, are excluded; and for no other reason than that of not being of Doctor Bunting's party. Take an example for the years 1839 and 1840, which is preserved in countenance by other periods.

As to the lay portion of the Connexional Committees, we wish to know what claims this notable Mr. T. P. Bunting has to be pushed forward in the way he has been, when circumstances would have led others to court the shade? We add no more: he is Doctor Bunting's son, and that is a sufficient passport to the highest honours.

We recommend to the Doctor, on reviewing his system of Favouritism, a perusal of the following solemn charge of Paul to Timothy, on the election of officers: "I charge thee before God, and the Lord Jesus Christ, and the elect angels, that thou observe these things without preferring one before another, doing nothing by **PARTIALITY**." 1 Tim., v. 21.

* We find this gentleman blazoned forth in his father's paper—the "Watchman," on different occasions; but there is a puff extraliterary in No. 629, for Nov. 18, 1846, p. 548, in a review of a "Lecture at the Manchester Law Association, on **MORAL TRAINING Necessary for the Practice of the Law**." After noticing different topics dwelt upon by the lecturer, the friendly reviewer observes, he "then dwells on some peculiar branches of *moral training* to which attention may be properly directed. Such are, securing a competent knowledge of the profession:—a scrupulous sense of honour in all intercourse with *clients* or *professional brethren*:—*generosity* and *liberality* in *spirit* and *temper*:—the cultivation of constant *command of temper*:—a *blend* and *courteous demeanour*:—a *candid* and *open disposition*:—and a *modest* and *humble spirit*. The lecture, altogether, is most creditable to the head and heart of the author, who is, we believe, Mr. T. P. Bunting." Not anything, of course, is said of the lecturer as a *model* for his hearers to work after, nor of the practical influence his sentiments have upon himself in his profession. There are different *ways of pushing trade*, and more places for sign-boards than over a man's own door.

Part of Doctor Bunting's most artful policy has been to constitute as many Committees, connexional and otherwise, as possible; and in these to transact the vital part of the business of Conference; bringing in merely a report of the general proceedings of the Committees, for its sanction. Some time about 1814, Doctor Bunting (Mr. then) and some of the other brethren, were in company with each other, when the conversation turned upon some [contemplated changes. One complained that the same class of men were on all the Committees. This was confessed by the Doctor, and the others, to be an evil; but a hope was expressed that it would soon be corrected. No sooner, however, had the Doctor, by a deep manœuvre, secured the Presidency, than he found it his interest not only to keep up the old plan, but to improve upon it: we say, a deep manœuvre: he proposed that all the preachers, who had travelled 14 years, should be allowed to vote for the President. Having thus been the instrument of enlarging their franchise, could they do less than put him into the chair? He has made many nice calculations of this kind; and yet, a few of the simple-hearted of the brethren are gulled into an impression that he is a disinterested man! But to return to the Committee, on which we have dwelt elsewhere, the grand argument in favour of them is, that of expediting the business of Conference, and preserving its affairs distinct. There is validity in this; but with these advantages, it is necessary to guard against abuse; and we contend at the same time, that business will be dispatched with equal ease and rapidity by a change of hands. So things are found to work in civil life! and besides, according to the old adage,—“New brooms sweep clean”—implying, that the old ones are often associated with that which ought to be swept away. The Committees, as we have stated, furnish a man like Doctor Bunting, who secures a seat in all he wishes to enter, with an undue influence over his brethren. They may be employed for party purposes. When Mr. Samuel Dunn appealed to the London Conference at its assembling 1842, in vindication of his character, because of some disturbance in the Dudley circuit, Doctor Bunting and his clique, who were prejudiced against the appellant, would not allow the affair to come before the Conference, but delivered him over to a Committee, which was equal to placing him under “the Usher of the Black Rod.” Mr. Dunn very properly refused, and demanded an open trial; but the platform over-ruled it; and the consequence was, he left the Conference in disgust; and yet, at a subsequent Conference, after denying him justice, Doctor Bunting had the hardihood, in his usual merciless way to the feelings of others, to tell him, that he ought rather to ask pardon of the Conference for leaving it in the manner he did, than to speak on the subject in question;—one of his customary brow-beating ways of answering an argument. Now, the point with us, is not whether Mr. Dunn was right or wrong in the Dudley case, but the injustice of refusing a man the right of vindicating himself; for we contend, that every member of the Conference, who wishes it, has the right of public appeal. Besides, when the members of those Committees decide against a man, in cases of character, they, with a thorough knowledge of the circumstances of the case, of which others know nothing beyond what they are disposed to communicate, become advocates for the opposite party, and are so far against the man in open Conference; and if they wish to promote any party purposes, or the man is known to have no friendly bearing toward the London party, as was the case with Mr. Dunn, then Doctor Bunting is heard to bawl out, as in the case of attacks upon himself,—“The Conference must support and defend its own Committees!” This is generally a closer—not an argument—as the Conference, by this trick, is put upon its dignity. These Committees, therefore, as will be perceived, constitute one of the chief secrets of his power: being on most of the connexional Committees, and his favourites mostly on others of importance, he winds the Conference at will in them: every wheel is worked by him; and the whole of the machinery moves at his bidding.

There is policy in all this, but it is sinister : it is to obtain power : and it is impossible not to dispute the purity of his motives, in the packing of these Committees, and in the patronage and encouragement he gives to different men, yet to be noticed, to compass his purposes. It is doubtful policy,—suited himself rather than the preachers at large, and the body generally. His wishes may take the shape of hopes, and he may accept that as a fact, which he earnestly desires to be true,—that the body may be ultimately benefited ; but the dissatisfaction it works in the mass, shews its want of adaptation to the views and feelings of the brethren ; and the hope of a change on his demise, is demonstrative that they are not with him. The pertinacity with which he clings to a certain class of minions in these Committees, seems to spring more from selfishness, and a grasp at power, than the consistency which springs from principle.

5. For Governors. We have felt indignant often at the arguments resorted to, in order to accomplish certain objects, particularly in the case of the Theological Institution. The argument at first was that of age, experience, and standing in the connexion. This was employed in order to secure the election of Mr. Entwistle for the Theological Institution ; a man every way qualified for the office if such office were necessary : but Doctor Bunting knew very well that Mr. Entwistle was a man whom he could not only manage, but who would in most cases, work to his hand, and would add weight to his schemes of controul. The same accommodating logic was employed in the election of Mr. Treffrey ; but not being quite of the Buntingian school, his reign, as was expected, was short. The worthy Doctor, being anxious after this, to introduce one of his pets, threw his previous argument of age, experience, and standing to the winds, and, to accomplish his object, urged the propriety of having a man of mature age, full of health, vigour, and action. This, of course, secured the election of his friend the lovely P.C. Turner ! Subsequently to this, another friend was to be served ; but what was to be done ? The old argument would not serve in this case, as a person shook with paralysis, and laid aside from the itinerant work, had to be served. Never heed ; the Doctor stands too high for a little inconsistency to shake his credit : if, by throwing health and vigour to the winds, he can serve his friend John Bowers, by helping him into the Didsbury governorship, it will help himself in carrying out his schemes of power through the balm of favouritism ? So much for discreditable shuffling in cases of Governorship ; an office for which there is no more need, than there is, that a man should pay another for asking a blessing on his food, and praying with his family. The first argument involved in it, the dotage of declining years ; the second, included the strength of a stone mason ; and the third required a crutch to support it. Mere men of the world would be despised for such conduct ; and a doctorate would be brought into contempt, in other Christian communities, by such logic. At the Conference of 1846, on the election of Mr. Stamp, which will be taken up elsewhere, he gravely observed, “that he respected age ; but that it did not follow, because a man was a senior, he was to be put in this office, as it would not follow, that the oldest officer in an army, or the oldest surgeon in a hospital, should fill an important vacant post.” At the same time, he opposed the election of Mr. Fish to the office, because he was not equal to all the duties of a circuit ; He had forgotten Mr. Bowers, good man.

4. For editors, paid agents, and different posts of honour. Take

Mr. Cubitt.—A special sub-committee proposed as sub-editor Mr. D. Walton, who, as a scholar, a man of piety, judgment, and discretion, was well qualified for the office. He was not quite the man, however, on after thought, for the party with whom he was to be associated ; and Mr. Bowers proposed Mr. Cubitt, as the more likely of the two. How was this ? Mr. Cubitt had been associated with Mr. Bowers in the Secretaryship of the Theological Institution ;

a touch of friendship, therefore, was to outweigh all considerations of fitness; and besides, he was deeply involved in debt—upwards of £500, which Mr. Bowers had to beg;—debt, which, in its contraction, would have caused any other man to forfeit his place in the connexion; and yet winked at by the whole London District Committee! but then, he was bound hand and foot by those very debts—had absolutely sold his independence, and was the less likely to rebel. We could tell some queer tales about this gentleman's mode of borrowing since then. We give, as a foot-note, a paper that has fallen into our hands respecting the want of fidelity in the London District in his case, and the unfitness of any man to be at the head of a religious publication to inculcate lessons on sanctification, economy, and moral honesty, who cannot keep himself out of debt.* We

* The circular referred to is a keen satire, but full of truth, entitled, "A Special Meeting of Wesleyan Methodists, held at the Temperance Coffee-Rooms, prior to the Quarterly Fast—Sir Thomas Gorman in the Chair." There are fourteen Resolutions in all, taking up the whole case of Mr. Cubitt's liabilities, and the culpability of the London District, with Dr. Bunting at its head, for blinking it. Some idea maybe formed of it by the following items:—"Resolved.—That a respectful petition be presented to the Wesleyan Conference, requesting the rescinding of the Rule which prohibits the members of Society contracting debts without the probability of paying them; thus placing them on a level with such of the Preachers [Geo. Cubitt, &c.] as the Rule is not permitted to reach:—That the best thanks of this meeting are due, and are hereby tendered to the Rev. Geo. Cubitt, for practically bidding defiance to such distressing restrictions as the Rule is intended to enforce: That the warmest gratitude is due to the Preachers of the London District, for throwing the mantle over the conduct of their respected friend, the said G. Cubitt:—That the Rev. gentleman be still permitted to retain his office as Editor to the Wesleyan Magazine; a work which inculcates, on the Wesleyan body, the great principles of Religion, as justice, economy, common honesty, &c.; and that his name also be allowed to adorn the Minutes of Conference:—That the best acknowledgements are due to the friends in Bristol, Sheffield, Huddersfield, and elsewhere, for subscribing to rid him of such debts as were contracted in those places, and have reached their ears; but more especially to the Rev. J. Bowers, for his generous conduct in travelling up and down the kingdom, in the spring of 1840, soliciting aid at Liverpool, Leeds, Manchester, &c.; at which places the noble sum of £500 was raised for him, being nearly equal to the discharge of such debts as he could be brought to admit at the time:—That, nevertheless, a delicate enquiry be made respecting the debts still due at Sheffield, and other places; and also, what becomes of his regular board, quarantine allowance for children, &c., &c., the whole of which, as received by other Preachers, being sufficient, not only to keep them out of debt, but maintain them and their families in respectable circumstances: That he be lovingly requested for the same reason that the poor members are urged to pay their pence weekly, rather than involve themselves in difficulties at the end of the quarter, not to run again a bacon, egg, and butter bill, quite to £30.; or a butcher's bill to £40.; lest he should, on some future occasion, require another of his customary lifts, and so bring the quarterly fasts into disrepute:—That notwithstanding the clamour raised against him by a few narrow minded persons, who never knew anything of the luxury of living at large, and taking no thought for to-morrow, he be requested, not only to continue his editorship, but to be ready, at a moment's warning, to stand forth as the defender of Methodism, whose laws, (with the exception of the obnoxious one, noticed in the first Resolution,) demand the pen of a man of honour like himself:—That he be requested to furnish a correct comment on "Owe no man anything:"—That the Rev. Thomas Davis, whose embarrassments commenced with his Gibraltar Mission, and whose name was dropped from the Minutes in consequence, be re-called to itinerant ranks, and placed by the side of Mr. Cubitt, as a suitable companion and helper.—Mr. C.'s embarrassments having commenced with his Newfoundland Mission; with debt, though urged as a plea, is but a drop in the bucket when compared with the streams that have followed him, and the ocean in which he was recently engulfed," &c., &c.

A copy of this circular, we are creditably informed was sent to every member of the London District, and yet not a syllable was said on the subject in the committee; while the delinquent retained all his offices, honours, and emoluments, as heretofore, and appear on the platform the next Conference as usual—not, it is true, quite so often, for he appeared not to have been past shame.

We are scarcely of opinion with the writer, that the analogy between Messrs. Cubitt and Davis exactly fits, though it will hold good in its principal parts. There was something in the shape of deception, and the falsification of names, in the case of the latter: but then, we have positive proof of falsehood, in the case of the former.

But apart from that, the case of John Overton who had travelled about 30 years, was taken up the very next Conference, and his name was struck off the Minutes. His case

may add, that we cannot see any propriety in having two editors, when they have so much time on hand as to enable them to write and publish works for their own personal benefit. If there is a rule against any man using the literature of the Connexion for his own private use, there ought to be a law against a man taking the money of the Connexion for anything except the work of the Connexion. A handsome salary, which enables others to live respectably, ought to keep a man from violating the rules of the body, in the contraction of debts which they cannot pay. Take

Doctor Bennett.—This Gentleman, who is editor of the “Watchman,”—professedly a religious paper, and under the perfect control of the London gentry,—was a travelling preacher, and had his name on the Minutes for Ireland. Why was he dropped? Was it for Tee-totalism? And yet, this man is found on our platforms, our Connexional Committees, in our pulpits! Why are men who have retained their character and station in the Society, not there? It is of no importance whether the tool is bright or covered with rust, provided it meet with the approval of Doctor Bunting. Take

Mr. Armstrong.—This man was either a slave driver or connected with the whip in the West India Islands; but then, he is Doctor Bunting’s son-in-law, and Methodism must keep him; while men of superior claims, and better qualified for the work, are to be kept in the back ground. £200 per annum, exclusive of travelling expenses, and grazing where he can upon the friends! This is not all; but when connected with the Schools in the West Indies, charges were preferred against him, and sent home to the Committee. His father-in-law was ready to receive them in that Committee; and they were quashed, and something like a censure was got up against the Committee that preferred them, as a set off. Since then the work has never succeeded in Kingston; so indignant were the people.

But, independent of favouritism, and other et ceteras, we should be glad to know, what occasion there is for this gentleman. If the teachers, upon whom so much cost and time have been expended, to perfect them, are unfit for their office, remove them. We are inclined to think, however, that the training they have had, under the guidance of a watchful local Committee, will be quite sufficient for any School, without the officious and unnecessary interference of a paid agent like this; a proper man to raise a devout missionary feeling, and enlarge the funds, who has forfeited all claim to servitude by his indiscretions as a man of business. Take

Mr. T. Jackson, late of Manchester, of whom we have had to speak, appointed to a living of £200 per annum, after passing the muster-roll under Doctor Bunting, without the previous sanction of Conference. Take

Men for the Annual Sermons, at the May Meeting, in the metropolis: the case of Mr. Alfred Barrett, as an instance, for respect to whose piety,

was this:—He was charged with not attending his District in May, and with omitting to reply to a letter that was sent to him. He was also charged with having contracted debts, which he could not pay, to tradesmen—with borrowing money of some friends—and of applying the Connexional funds to his own purpose; that is, of being indebted to the Book Steward—the whole amounting to 161*l*. The Committee that examined his case recommended him to mercy; he was, however, made a supernumerary, and ordered to have his name dropped from the Minutes till his debts should be paid, which were directed to be paid by instalments. Look at the two cases—John Overton was a poor man—sickly himself, with a large sickly family—confined to the poorest circuits, on the poorest allowances—& no more unfit for the work, when put down, than he had been for some years before. George Cubitt, on the other hand, fed to the full—a smaller family—in the best circuits—enjoying the best allowances—with a debt three times the amount and more; we say more for we know of other debts than the £500; and we know too that he has borrowed more money since, to save himself from arrest. Here the one poor fellow is dragged before the public Conference; the other has his case smuggled up in London, where smuggling has been carried on so long! The twenty pence debtor punished, and the five hundred pence debtor rewarded with posts of honour!

christian demeanor, and talents, we yield to none. But we look at the favouritism of the thing. He was called up to London in 1842, when he had travelled only ten years, to preach the sermon before the Society, while such men as Doctor Beaumont, Macdonald, and others, the former of whom had travelled thirty, and the latter seventeen years, were passed unnoticed. How was this? The secret is just here. While Mr. Barrett was stationed in Leeds, he, at the solicitation of Doctor Bunting, took his son into the house, as a boarder and lodger. Now, though we say nothing of the offence which Mr. Barrett would have incurred, as we can demonstrate in precisely a similar case, in reference to another, if he had refused: yet, we ask, why any man should have it in his power to give away the honours of the Connexion for personal favours; or even of others having it in their power to compliment him in that way: to pay private debts with public honours, is to pay with a capital which is not our own: and we further maintain, that the honour paid was due to such men as Doctor Beaumont, and others, on public grounds; and that we object to as a part of a system of favouritism which is carried on. Take

Deputations.—The Missionary Deputation has been made the instrument of partiality and favouritism, in the same way as in other matters. This department is known to be generally in the hands of one of the General Missionary Secretaries, who are in the hand of Doctor Bunting; and if Doctor Bunting does not name every man, (and who can say he does not, behind the scenes?) his colleagues in nomination know his men, whether under the brand or in his smiles; and then, adding a few others, the list is made up. Hence, men are to be found on these deputation lists not at all remarkable for platform effect, and found there, too, for a series of years, while such men as Mr. Bromley, not to say returned Missionaries, are Calvinistically "passed by:" shewing less anxiety how they may best serve the funds, then how best to display their antipathies and their partialities. But the people are rising up against this plan; we hear of districts and circuits refusing the men thus palmed upon them. In this we sincerely rejoice.

Even the Presidency is not safe in the presence of this centralizing plan. It tempts the official men in London to play, as we have intimated elsewhere, into each others hands, and to tamper with the highest office in the body; nominating each other to, and canvassing for each other's election to, the Presidential chair. The year after Mr. Stanley filled the chair, the London clique were anxious to regain the ground they had lost; and hence, employed their influence in the re-election of Mr. T. Jackson, stating, that Mr. Samuel Jackson, for whom there was a strong feeling, was disaffected. This was the argument of Mr. Scott, when beating up for votes, when on the deputation work, which was no less than a libel on the excellent man; nor was it creditable to a brother's feelings, for Mr. T. Jackson to allow it, till Mr. S. Jackson had filled the chair.

The centralization system leads to

4.—A misapplication of the public Funds. Take a few instances:

(1.) Extravagant Salaries. This is a point on which we have been sufficiently intelligible, in our tabular statements, respecting the cost of the Missionary Secretaries; four of these costing the Missionary Fund, not less than £500 per annum, for a period of 13 years! In this broad assertion, we, of course, include the items omitted, viz:—Children, Servants, Medical Attendance, Travelling Expenses, &c. TWENTY-SIX THOUSAND POUNDS.

(2.) Enormous prices for literary property. If a man is a favourite, and of their own party, he will be treated bountifully; but if not, then either scurvily, or sent empty away. Mr. Watson, one of the Secretaries, was one of the band: on his death £2000 were given for the copy-right of his

works, the first edition of which was published several years ago, and is either yet unsold, or the demand has been of such a character as to prevent the publication of a second. The Book Steward.—a fine literary character, so far as blank paper goes, informed Doctor Clarke, that £400 or £500 was the utmost to which he could go for the copy-right copy of his Commentary on the Scriptures; a work for which Tegg is stated to have given £2000 after the market had been supplied with the first edition, and by which, it is stated, on good authority, he realized £30,000. Either there was a want of judgment or gross partiality, in these two cases; and which so ever of the two it might be, the act itself proved the parties to be unfit for the offices sustained. Had Mr. Watson's Works been an open transaction before the Conference, instead of a partial, smuggled one, in London, in the interim, there would not a resolution have been entered into at the ensuing Conference to limit all such purchases within a certain sum; a resolution dexterously hatched in by Doctor Bunting himself, to tone down the feeling of the brethren on the subject, and give a shew of candour to the whole.

(3.) Needless parade. Doctor Bunting, who was on all the Committees of the Grand Centenary Hall, and was the soul and guiding-star of the whole, could allow £40,000 to be abstracted from the Centenary Fund, for a couple of spirit cellars, a large room, and two rooms each for himself and his colleagues!! A small pamphlet, published by Gadsby, of Manchester, and Groomsbridge, of Paternoster Row, London, entitled, "Wesley's Ghost;" by Vetus," has directed attention to "the mahogany, the mirrors, the carpets, the curtains, and other costly decorations," of this costly monument. How much better would it have been to have raised, as in the case of the venerable Reynolds, of Bristol, a Monumental Fund, by sinking the amount for the support of Christian Missions to the end of time? But tailors and mantu-makers are fond of show; and it should seem that Doctor Bunting inherits some of the qualities of these professions. But we are not done with the Centenary Fund, to which we freely contributed. In the "Wesleyan Record," for Dec. 1844, and Jan. 1845, where the Editors appear to have been driven to the act of self-defence, it was stated that £800 had been taken from the Centenary Fund to preserve the "Watchman" from sinking: information respecting meetings which had been held, being converted into advertisements!!! The donations of the benevolent to different funds, and those on the "Missionary Notices," may, with equal propriety, be denominated advertisements. Would the whigs of the Wesleyan body, if they had known it, and been allowed a voice on the occasion, have given their vote to support a tory paper;—a paper raised to support the interests of a Church and State party? There are 35 Shares, at £100 per share; we know most of the Shareholders; among whom are Messrs. J. Wood, J. Burton, P. Rothwell, Sands, Crook, Farmer, Elliott, Beallie, Keye, &c., &c. What! are the centralizers in London to have the privilege of dipping their hands into the pocket of the subscribers, many of whom could ill afford to contribute, to save the pockets of those squires, in an unfortunate speculation on toryism? any of whom might have paid the whole out of his own pocket without injury to himself! Would they support a whig speculation of this kind, and in this way? Why do not they give the "Wesleyan Record" their favours? Ask the reason at the door of centralization. Such misapplication of the public money would have been unknown but for the system we here expose—that of location and centralization.

But look at the subject in another light. The Centenary Hall and the Richmond Institution constitute a part of Doctor Bunting's parade, to trick out Methodism as a thing to be admired by the world—something to look out, and himself to be looked at in it. Here we find him in all his architectural glory, as well as in the full triumph of his power, like Wolsey in the splendour of his palace. But, as if this piece of pomp were to be tarnished, a permissive pro-

vidence allows the serpent to enter both, in order to open the eyes that have been dazied into blindness :—a gin shop appears within the walls of one, at which the public are divided whether most to laugh or feel indignant, and one of the foulest crimes is charged upon one of his favourites within the walls of the other.

5.—*Insincerity.* A system of trickery and low cunning is practised to keep certain men in office, and others out ; and this again supplants the spirit of brotherly love, frankness, and confidence, so essential to the well-being of the body ; while it causes those services rendered to the connexion in the metropolis, to be less effectively performed than they might, and would be, if performed elsewhere,—and is tacitly reflecting on all the brethren in the Connexion, except those in the London district, as unfit to take any responsible part in the management of our connexional affairs.

6.—It saps the foundation of the Pastoral and Apostolic office. There is no escape from the fact, that it draws so much on the time of the brethren in London,—time which ought to be employed in pastoral visitations and ministerial studies,—as to deprive them of the true ministerial and pastoral spirit in which all the business of the church should be transacted ; and we think that no minister among us should be allowed to remain longer in London than their brethren are elsewhere. In this case, the London Societies are to be pitied, and through this they are kept low. When is it heard that metropolitan officials ever visit the sick, or even give tickets ?

From what has been stated the propriety, nay—the necessity, of changing the men in London must be apparent to all—changing them as often as the other preachers in the body. If it is important to change society and circuit stewards, it is no less so to change secretaries and committee-men. A circuit-steward is a man whose power of mischief is extremely limited, should any exist ; but in London the subject must be considered connexionally ; the men have the sweep of the whole body. The system of Methodism, which is locomotive, is opposed to it ; while its spirit is opposed to everything like ease, aggrandizement, selfishness, and oppression.

Notwithstanding the facts adduced and the arguments employed, no sooner had the first edition of this number found its way among the preachers, than the best energies of our official men, who affect to have so great a concern for the honour and interest of Methodism, were engaged to try and find out the author or authors of the expose, rather than the innocence or the guilt of the accused ; and in administering punishment to him or them rather than honourably acquitting or righteously condemning the parties criminated. To save the Connexion from such a misadministration of its funds, by those who are their constituted guardians, should be the concern of both preachers and people ; and whoever may be the author or authors chargeable with stepping forward at this juncture ought to be considered entitled to the thanks of the body for having done so, though, perhaps, not exactly for the manner in which it has been done. We insist upon it, that the best efforts of the body should be put forward, to search out, and to reform the alledged abuses ; and the sincerity, the consistency, the integrity, and the very existence of the body demand it.

Before we dismiss this subject, we must go a little deeper into the soul, and take a glance at—

III.—*SECULARIZATION.*

This endangers not only the Connexion, but the souls of the persons in question. Being located, and constituting a centre, towards which money is constantly flowing, and where matters of finance constitute the grand staple of their business and conversation, scarcely anything, save that which is worldly, is permitted to come over their spirits.

In the early Minutes of Conference, vol. I. p. 86, we have the following question and answer :—

"Q.—We have this year spent about two days in temporal business: how may we avoid this for the time to come?"

"A.—Let the clerks do as much of it as they can by themselves, and it will save us half the time."

"Two days" were considered too much, and a plan is here proposed to reduce the time to one, in consequence of the baneful, secularizing influence it had upon the mind, and the time it took away from the higher and holier considerations—the spiritualities of the Christian church. If "two days" were distressing to the mind of John Wesley, and deemed too long to be taken away from spiritual things, what would be his feelings now, to find the missionary secretaries, book-stewards, and others, steeped in secularities the year round, and Doctor Bunting absolutely buried in them during the one-half of a long, and, what should be, ministerial life? Nearly the whole of the schemes, plans, and measures of the latter, are financial. It has been money!—money!—money in the beginning, money in the middle, and money at the end; not certainly, altogether for himself, but he has had his share in the whole, and has been as well kept as most.* Observe, we do not lose sight of the fact, that, in consequence of the largeness of the Connexion, more time must be necessarily spent upon mere financial matters, both by Committees and the Conference: it is against the secularizing tendency of these things that we direct our remarks.

The church of Rome divides her clergy into Regular and Secular. The regular clergy are those who have taken on them holy orders, and belonging to monasteries, or religious houses, perform the priestly functions in conformity to the rules or regulations of the monasteries or houses to which they belong. The secular clergy are not of any particular order: nor are they bound by any such rules as the other, but have the direction of parishes. All the clergy of the Church of England are secular. The sense in which we employ the term secular differs from this. Our seculars have their "religious houses" in London, in the Book Room and the Centenary Hall; and they have their "own rules and regulations" too; but then, they have the care of no "parish" or circuit: so that they enjoy their "houses" with the bare semblance only of their "priestly functions:" combining in the two just what preserves them "well-favoured," lofty, easy, and comfortable.

The clergy of the early Christian churches were required to lead studious lives; were not allowed to desert their own position in the Church, but on just and sufficient grounds; and they were to make it the business of their lives to traverse every corner of the world to make converts and proselytes to Christianity. And we think that such character is far more befitting a minister of the gospel than a secular spirit. Secular, says Doctor Johnson, is that which is not spiritual: it is that which is worldly. Whatever renders the spirit of a man thus secular, and secularizes his character, deprives him of the qualification essential to a christian minister; and so far as it does so, incapacitates him for serving either the church or the world in the sacred office. These observations will apply with equal force to Wesleyan ministers. Whatever tends to lower their concern for the souls of men, and for the Saviour's glory—as less general intercourse with them, less frequent exercise of their talents among them, and less thought about them—will indirectly do, will lead to secularity of spirit; and whatever requires their time and talents to be employed about things which rather rob them of, than add to, their inclination to be found in these studies and exercises which are essential to the effective discharge of ministerial and pastoral duties, directly secularizes their character. In proportion as a public spirit is lost, they become isolated; and their feelings, interests and friendships, become limited and localized; and so far as their minds and time are occupied

* This feature in his character and plans is noticed in the "Eclectic Review," for Aug. 1846, p. 138, in an article on "Methodism as it is," where the writer gives, upon the whole, a faithful picture of the man.

with things that rather quench than fan the flaming love and zeal which are the glory of the minister of Christ, though connected with the cause of God and essential to it, so far they secularize the spirit that God had specially called to and fitted for the performance of a spiritual work.

What, then, must be the tendency of the offices of Book-steward, Editors, and Missionary Secretaries, without change, and for a succession of years? In these offices the men that fill them, and do it effectively, cannot have that intercourse with society in general, and for those purposes the ministry of the gospel requires to be kept constantly in view; nor can they exercise their ministerial talents in such a manner as to preserve them in a healthy state, and bring them to bear most effectually on the great objects of the ministry. We go further, and affirm that they cannot possibly retain that interest in the success of the ministry, nor yet have the inclination to fit themselves for the most acceptable discharge of its functions, which they ought to feel; and while they are necessarily losing the spirit of their calling, more and more, what is the result? Can they, thus remaining localized and centralized, avoid being secularized—secularized in their thoughts, affections, desires, purposes, and habits? Otherwise than this it is impossible to be, while hands and hearts are engaged from the beginning to the end of the week, month, and year, in things less spiritual than those to which they profess to have a special call. They are, in their spirit and habits, not only bringing the world into the Church, but withholding the genuine apostle of Christ from the Christian pulpit.

There is a stringent law made against Preachers entering into business; and repeated on the additional provisions made for supernumeraries, arising out of the sixpence per member collection, to prevent *them* also from entering into commercial engagements. In this, there is great propriety; as business secularizes the spirit, injures a man's usefulness in the church, and exposes the body to disgrace, on the event of a failure. But is not the great principle, as we have stated, infringed in the Mission-House, and in the Book Room, as well as that of itineracy, by locating and plunging men, during a period of successive years, into the secularities of both,—calling them from the apostleship to the clerkship, from the pulpit to the counting-house? So, men are to be secularized from the Church, but not for themselves,—to locate for others, but not on their own account! The spirit infused is the same in one case as in the other,—with this exception, that it operates more extensively; and, therefore, more fatally, in one than in the other; the deadening effect being felt more forcibly upon the Church at large, by an eminent office-bearer, than by a person in comparative seclusion. The Book-Stewards, G. Whitfield, R. Lomas, E. Blanchard, J. Kershaw, and J. Mason, have all participated as much in the spirit of the world, in buying and selling, and making the best and hardest bargains for Methodism, as the private religious members of society do in driving the most advantageous trade for their respective families, or the persons by whom they may happen to be employed. The object does not materially alter the case; the influence of such transactions upon the men, is the same in one case as in the other, whether employed by others or engaged for themselves. This was especially felt by that excellent man, Mr. Robert Lomas, and we could mention another case, in which one of these men was so completely imbued with the spirit of the world, that he availed himself of his situation of bartering, buying, and selling, and doing business for himself. Let the world once enter the soul, no matter how, whether through the counting-house or the church doors, and a man will soon reason himself logically into a variety of things, with which his more delicate sense of propriety would be shocked, if he possessed the genuine spirit of the ministerial office. He will not hesitate to lay a handsome per centage on his travelling expenses; whereas, simple wear and tear might be the only things that entered into his only scruples and considerations: forgetting, as habit become fixed and time goes on, that regular

board and quarterage are also going on, besides the payment of others for doing the work at home while himself is abroad.*

But to come a little closer, as to effect, it is a fact, stated by one of the most intelligent, useful and devout officers of the Society, in the metropolis, and reiterated by the private members, that there are not more than two (they are not the Secretaries) of the preachers who have retained their unction, and only one his popularity, on the event of location. We ask, then,

1.—Is it agreeable to the original design of Methodism, that the preachers should either withdraw of their own accord, or constitute such a state of things as to throw temptations in the way of others to withdraw them from the all-important and regular work of the ministry, to sit and serve at tables, in Committees, the greater part of whose business is merely of a financial character, and to exchange the ministerial office for that of an accomptant—spirituals for temporals? But admitting the evil to be allowed by "Methodism, as it *is*"—a term admirably hitched in by Doctor Bunting, to suit his convenience and purpose, in the struggle of 1844, we ask,

2. By what authority the Wesleyan church requires any man so to desecrate his talents, or any man to allow his talents to be so desecrated as to fix himself, or to permit himself to be fixed in offices, that, either directly or indirectly, war against his ministerial calling, and deprive him of the spirit given to him of God for the best performance of his highest and holiest work? Allowing the offices to be prejudicial to the right spirit of a Christian minister, for only a brief period, we ask,

3,—How any man can, consistently with the fidelity he owes to God, or with the testimony of a good conscience, or with a hope of a final approval of his Lord and Master, either station himself, or allow himself to be stationed in such offices for six, twelve, twenty, or thirty years together? and, at the close of a long period, maintain his hold of them with the tenacity with which he clings to life,—or go out of them growling, as if he had received an injury, and as though he had not had his over and above quantum of honour and ease? If we are reduced to the necessity of warring against God and Methodism, and spiritual prosperity, why,

4.—Should some of the first preachers in the connexion be located, and laid aside from their pulpit labours, as Messrs. Bunting, Hannah, Farrar, &c.,—labours to which they considered themselves expressly and exclusively called by God and the church, and to which they were originally appointed by the Conference? It may, indeed, be stated, that the order of things has been changed in the body; but this happens to be the core of the mischief. Why allow the change?—a change injurious to the ministry among us! That men ought to fill the offices referred to, is admitted; but,

5.—Why cannot laymen be found to attend to the more secularizing part of the business, under the supervision of the Committee,—say the offices of the four Secretaries in the Mission House? Is there anything in these offices to which a good clever layman, versed in business, cannot attend, and for which his

* If the reader will take the trouble to look over the Miscellaneous Expenses in the Minutes for the last four or five years, he will find £73 19s. 7d. regularly turning up in favour of Doctor Newton, for an assistant, while he has the best allowance in the Connexion, and is fed on the finest of the wheat, at the expense of the friends whose abodes he visits. To say nothing of the kindness and benefactions of friendship, his board and quarterage are nearly saved. He is worthy certainly, of all he receives; but so, also, are others. Why is not Doctor Beaumont indulged in this way? We look at the favouritism of the thing; and we object to it on the ground of justice too. The people have to pay double tax—they are taxed both for Doctor Newton and his assistant. There are outgoings on the one hand, and savings on the other. It is no hardship to the Doctor to be on the wing. It is his meat and drink—his very life—he would die without it. It is also to pay for the pleasure of a man, and we think that people should for their own sakes, when such allowances are made. It was with an ill grace that he charged Mr. Cargill with making a gain of godliness in his revivals.

commercial pursuits have not fitted him? Nay, why call in the aid of a layman at all, as clerks, and committee-men, Messrs. Farmer, Irving, Wood, Heald, and many more, if none but divines were equal to the work? We return to the secularizing tendency of such offices, and ask,

6.—If it is still insisted, that none but preachers can fill these offices, why not

6.—If it is still insisted, that none but preachers can fill these offices, why not introduce less acceptable men, as to pulpit talent, but of equal, if not superior, business habits, into the Mission-House? If men are to be spoiled by secularity, let them, for the sake of the pulpit and the church, be taken by like some of the Book-Stewards, whom he could name from among the less acceptable of the priesthood. We add

7.—If the Saviour is to be robbed of his apostles, and their number must be decreased by draughting them into the ranks of the scribes and idlers, why keep them in office till twice dead, and plucked up by the roots, before they are removed? Let them have a chance of recovering themselves, and of entering into their former spirit and usefulness, before they are called upon to give an account of their apostleship to which they professed to be called, and in which they were to live and die. With the exception of Messrs. T. Jackson and J. Farrar,—(and these being steeped in divinity through the week, are happily saved—at least in part)—there is not a man among them that has not been injured in his primitive character, as a preacher, by his office. The men are drawn away from their habits and studies—from the one great work of saving souls, so that it is now proverbial, and asserted in the "Metropolitan Pulpit," that Doctor Bunting, has not made one new sermon for the last "thirty years,"—at all events, not one since he has been located and secularized. Compare, or rather contrast, his present spirit and preaching with the exaggerated character of his ministry, in the "Wesleyan Takings," and it will be difficult to recognise the same person. His rare appearance in the pulpit is the only thing that saves him; and when there, he parrots out the labours of early days, and not unfrequently gives sermons that have been absolutely published by short-hand writers, and are actually in the possession of his hearers. This is truly humiliating, and is as strong an argument in favour of poverty, as it is of indolence. The body is there, but the spirit has fled. If it be said, that these secularized locators preach occasionally on the Sabbath—nay, say once or twice every Sabbath, yet what good can we reasonably expect from the ministrations of men so wanting in the spirit of their office, and so offending against the law and will of their Master, and so having but little, if anything, of his blessing? And these seculars, forsooth, are the men generally employed in ordaining others, by the imposition of hands, to the apostolic office, to go and preach when and where ever they can, till they fairly die in the harness,—urging them, in their addresses, to be diligent and faithful in the work of the ministry and the pastorate!! offices which they themselves have left, and the spirit of which they have lost! CONSISTENCY! whither, we again ask, art thou fled? They remind us of a set of fat, downy bishops; or in the less complimentary language of the Pope, "oily men of God," appointing others to work which they themselves rarely touch,—masters sending their servants into the field,—a field in which they themselves ought to be found, agreeable to the mandate of their Lord—"Go work in my vineyard," but in which they are only found by proxy, Substitution is easy work; go on with it and the work of God will soon be destroyed.

In support of the non-usefulness of these seculars, and the sapless character of their ministry, it may be remarked, that it was found in the December quarter of 1845, that, in the eight London circuits, there was a decrease of 300 members, and in only one circuit an increase of * * *. In these eight circuits, exclusive of the labours of the students of the Richmond Institution,

most of whom are employed every Sabbath, together with the labours of returned missionaries, and local preachers—of the latter of whom there are some hundreds—there are between fifty and sixty preachers, including a sprinkling of supernumeraries, stationed by the Conference. This it may be stated, will apply to the comparative non-usefulness of the itinerant, as well as the located: but it does not follow that good time-pieces will always be exact in their movements with a number of dead-weights appended to them; or that carriages will roll on with celerity, with drags attached to their wheels. It is a fact stated by the seculars themselves—and one of the longest of the located—that the London Societies are mostly kept up by accessions from the country. Even the Missions appear to begin to feel the deadening influence of these ecclesiastical worldlings: an increase of only three or four hundred, in 1845 and 1846! for an expenditure of upwards of £100,000!

Nor does it comport with God's general dealings, that spiritual prosperity should follow, when guided solely by the hand of secularity. Where is the prosperity of the English Church? It is directed by the hand of a set of Temporals, falsely denominated Spirituals. Well may the missionary part of our church languish under the hands of the Lords Temporal in the Grand Centenary Halls. There is scarcely a returned Missionary with whom they have not had a squabble, and several have been compelled to go without a redress of grievances, and the payment of their just demands. We can name the men.

If the preachers can only be brought to set their faces against Metropolitan LOCATION, CENTRALIZATION, and SECULARIZATION—if they can be brought to ring a constant CHANGE in the CONNEXIONAL COMMITTEES, and to break up the NOMINATION COMMITTEE, then whatever future Cæsars may arise, all attempts to enslave will prove abortive,—equal rights will be maintained—brotherly love, instead of suspicion, fear, and jealousy, will be restored—the platform will be crumbled to pieces through its own dry rot—the President alone will receive his own elevation—and that President, as he can ascend no higher, will, like the Moderator in the General Assembly of the Church of Scotland, be satisfied with the honour once in his life.

N.B.—There are many other things in our hearts; but these, with the exception of an odd sheet or two, like the present, which we shall occasionally circulate, will be incorporated in a general work, now in a state of great forwardness, entitled, "THE BUNTINGIAN DYNASTY," in which the real character and policy of the Rev. Jabez Bunting, D.D., will be fully developed; the whole being supported by documentary evidence, with an appeal to facts, shewing the influence of his spirit and measures on the Wesleyan body at large, and the preachers in particular; and demonstrating his administration to have been one, the result of which has been, a greater amount of EVIL than of GOOD to the Connexion.

By order of the CORRESPONDING COMMITTEE for detecting, exposing, and correcting Abuses. London, Manchester, Bristol, Liverpool, Birmingham, Leeds, Hull, Glasgow, 1846.

FLY SHEETS, FROM THE PRIVATE CORRESPONDENT No. 2.

THE PRESIDENTIAL CHAIR. THE PLATFORM, AND CONNEXIONAL COMMITTEES.

It is not our intention to argue the points comprised in this circular, in the way in which we have taken up the subjects of the "Location, Centralization, and Secularization of Wesleyan Metropolitan Appointments," but rather to furnish hints for more enlarged views; or, to be in character—skeletons; not for sermons in the pulpit, but for speeches in the Conference. Our last sheet partly affected the People, as they are entitled to the assurance, that their monies are economically applied: but the questions now before us are for the PREACHERS—the preachers exclusively. There is no fear of the People, provided the Preachers can be kept right; and there is as little ground for painful apprehension with regard to the great majority of the latter, provided a proper check rein can be put upon the few, who have wriggled themselves into office, to the discomfort of the many: and we honestly confess our object to be that of putting the brethren into the way of disentangling themselves—variously—gradually—resolutely—certainly, from the meshes of the net in which they find themselves enclosed; having had their unsuspected innocence simplicity, and freedom ensnared, with a spider-like care which will scarcely meet with a parallel in modern times, and which ought only to be practised on unprincipled men, who have forfeited all right to Christian suffrage and Christian liberty. If the brethren are disposed to take the hint—well; if not—let them suffer: we say suffer; for it was the remark of an acute observer of Wesleyan affairs, in our hearing, not long ago—"The Preachers suffer from fear—not from love; every man is placed as a policeman over his fellow; and should he give utterance to a thought not in perfect accordance with the views of the powers that be," he instantly receives the brand, and is marked out as one of the penal settlements: the next station is the secret of submission with many an excellent man, with a large family—and Doctor Bunting, who has destroyed the spirit of confidence and brotherhood, is to thank for this."

We are not sanguine in our hopes of any great improvement during the life time of Doctor Bunting; but we are not without a slight degree of assurance, that, in consequence of the seed which we are sowing, a wholesome preparation of feeling will be going on; and that, ultimately, the Wesleyan body will be scourged of tricksters, drones, sinecurists, locators, lords, selfish cliques, and favouritism. There is no wish to divide the body: God forbid! Methodism is the life of our life. We wish it health, peace, and salvation: but we are of opinion, that we are doing God service, by thus attempting to medicate the waters at the spring-head; or, which amounts to the same thing, by improving the executive department of one of the best systems in the world.

We find, since the issue of our first "Fly Sheets," that vengeance is vowed by those whose nests have been disturbed, against the authors, who have been loaded with every species of abuse, and whom it is their great anxiety to apprehend. For their satisfaction, we have to inform them, that the authorship rests with neither one, two, nor three. The business, however, of the Metro-

politan clique, and their provincial associates is not—"Who is the author?" but—"WHAT IS THE ARGUMENT?" not with those who prefer the charges, but HOW THOSE CHARGES ARE TO BE REFUTED. We appeal to facts, and we appeal to figures. The cry of authorship has often been resorted to as a blinder; and by deafening others with this, as well as hood-winking them, the parties charged with culpability have slipped off unexamined; and therefore, undetected. *A discovery of the authors is intended to be a substitute for a correction of the evils!* If there is a disposition to correct the abuses of which we complain, it can be done without our being known. The evils are known, and that is sufficient, having been pointed out. We may be told, that we have told our tale in a very severe and improper spirit. But we have to observe that whatever may be our spirit, our temper of mind is no refutation of the charge; a sharp tongue may speak the truth: Moses was not less truthful, because his "anger waxed hot;" and because he was "very wroth." Was Jesus too zealous in flogging the buyers and sellers out of the temple? We are not without examples of severity. Nay, some were to be rebuked sharply. Yet with all this severity, there was no sin in any one of these cases. The truth is, when evils creep into the temple and among the professors of religion, our indignation is invariably increased. Mildness, in such cases, would be as much out of place as the present of a flower when the whip ought to be employed. But, be that as it may, the spirit is *with us*; the charges are for *them* to answer. As to the personalities in which we may be supposed to have indulged; few are more personal in the Conference than the persons impeached; and few like it worse when the cup comes round to themselves. It is difficult to separate men from their measures,—persons from their actions. If an evil exists, the person who is its author is accountable for it: it is not the evil that can correct itself, or that is punishable, but the perpetrators: but for him it would never have existed. What! is the evil to be pointed out, and the author not to be named? What claim has the latter to lenity? Why such delicacy in saying—"Thou art the man?" We have to do with men, as well as things; and but for the former the latter would not have existed. The Bible is full of personalities.

The points in question embrace measures that have worked tolerably well for persons connected with them, but not for the brethren at large; and the "GRAND EXPERIMENT" having been made on the Number One system, it will be proper to return to the simplicity, honesty, and generosity of former times, when men were in the habit of addressing each other with—"We be brethren"—"That there be equality." With these prefatory remarks, we proceed to—

I.—THE PRESIDENTIAL CHAIR.

Though the world may be disposed to think lightly of the office of the President of a Wesleyan Conference, it may be doubted whether a more really honourable office exists than that of a minister of Jesus Christ chosen by the spontaneous suffrages of five hundred of his brethren to preside over them.

He has a few other duties apart from this. During the session of the Conference he examines the candidates for the ministry—at least privately. After their admission and ordination he delivers to them a charge. He also preaches the Conferential sermon—the *Concio ad Clerum*. During the interval of Conference, he has a degree of authority (though limited) to appoint ministers to vacancies, occasioned by death or illness.

(I.) THE OFFICE

1.—It is *constitutional*, being established by law,

2.—It is *necessary* in a deliberative assembly.

(1.) To preserve order.—The best regulated states have their rulers; and all public assemblies, whether ecclesiastical, political, commercial, scientific, or

otherwise, have a guiding head in their Presidents or Moderators, arising from the great difference of opinion that often exists: hence the adage—"Many men, many minds."

(2.) To save time.

(3.) To maintain the privileges of its members, and the authority of the majority.

(II.) ITS QUALIFICATIONS.

1.—*Age*. Talent of a high order will, indeed, always have weight in the Wesleyan Connexion. But we may safely predict, that the Conference will not again select for its President a man of twenty years standing, as in the case of Mr. Bunting.* It is not for the honour of the body: it is scarcely an ultimate advantage to the man himself. Thirty, or between that and forty years of ministerial labour seem desirable—and that spent in the regular ministerial work†—that the man may be thoroughly acquainted with the working of the system. It is, in fact, out of character for an assembly of grave divines, from thirty to seventy years of age, to have to look to the boys instead of the fathers of the Connexion; as much so, as for a parent, in domestic life, to be expected to render homage to his son. Excellent as many of the men were, yet where was the reverence due to Mr. Bunting, on his first election,—to Messrs. Newton Jos. Taylor, Grindrod, Dixon, Hannah Jackson, Lessey, Scott? They might command respect for good sense and Christian character; but how could the venerable Henry Moore, James Wood, Richard Reece, and other patriarchs bow their spirits to these youthful Josephs?

2.—*Wisdom*. This is as necessary to direct, as age is to reverence. Without this the head will require a head;—a prompter by his side, like Doctor Bunting, in the case of Mr. Joseph Taylor, Grindrod, and others, in which the one, either voluntarily, officiously, or mechanically, turned to the other;—the dictator himself being virtually the head, and exercising an influence which does not belong to him, while the other is content to sit as an automaton. No man should be allowed to be within the range of the chair, and no chairman should be reduced to the humiliating circumstance of requiring a prompter. The person who presides should be well acquainted with the laws of debate which usually govern deliberative assemblies; and should possess a sound judgment to know when enough has been said.

3.—*Disinterestedness*. ‡ He is in the chair as a public man, and elected on public grounds; and should, therefore, be a man in the least possible degree

* We remarked in our last, the adroit manner in which he secured the chair for himself, by the augmentation of votes of men of fourteen years standing. By this measure, he ousted the old standards, but it was only to introduce a monopoly of his own. Sometime prior to that period, old Henry Moore, who saw which way the current was drifting, observed in the Conference, "Beware of that young man, brethren, or he will give trouble to some of you." After this, the venerable Richard Reece remarked in private, "He is too high for us; we must pull him down." But he was more than a match for both Richard and Henry: they, good men, like John Wesley, took things as they rose before them; Jabez had his plans laid.

† Men who are located, as editors, secretaries, and tutors, are not the men that ought to be elected; to bring them into the very centre of the system is like bringing strangers and foreigners in among the children; they want the proper sympathies requisite for the discharge of duty: their habits and associations render them cold, distant, strange. They are men engaged in the work that can alone sympathize with their fellows. It is not the hot-house plant that is to take its stand with the trees of the forest; not the parlour boarder that feels for the servants in the kitchen; nor the man at home that feels for the traveller buffetting the tempest abroad.

‡ Perhaps "*Dispassionate*," would have been a better word, but we have our reasons for the adoption of the one in question. We love a disinterested man; we hate everything selfish. If enquired into, it will be found that Dr. Bunting, on his fourth election, agreed to do without a young man, assigning as a reason that he could gain what assistance he required from his son, who was not in the regular work. To this may be added, that himself was not burdened with pulpit duties. As the Connexion was saved the expense of a young

open to public leanings*—pique—prejudice—self-will; shewing an entire impartiality in hearing both sides.

4.—*Firmness.* This is necessary to control and command; but then it must steer clear of obstinacy. A storm may arise when we are ill prepared to meet it. How would such a man as Joseph Taylor, senior,—all gentlemen have met a storm?

5.—*Dignity.* "A Bishop must be blameless;"—by consequence, He who presides among bishops must be emphatically so. Notwithstanding all the oratorical and other excellencies of Bradburn, he was as deficient in stability, as Gaultier was in seriousness, and Jonathan Crowther was in dignity; and yet the two latter had many good points about them.

No man possessed of these qualities should be deemed ineligible, or even less eligible, to fill the office, merely because of his political principles. Think of the absurdity of rejecting any man (who is confessed to be in every other respect eligible,) simply because he is known not to be a Tory!—or because he has been known to express a doubt whether the union of Church and State works well for either party. But the Conference, last year, escaped out of these leading-strings, in the election of Mr. Stanley.

(III.) The impropriety of re-electing to the office any who have filled it, while there are others equally eligible, as to qualifications, who have not yet been so honoured; as in this case—thus,

1.—The honours of the body are denied to those who are equally entitled to them. "It is a greater honour," said the Grecian orator, "for a man to be elected by the spontaneous suffrages of the great and good, to the highest seat of dignity among them, than to have a brazen statue erected to his memory." Well! suppose the honour of this voluntary election to the highest dignity to have been conferred, you can do no more. The man need wish for no more of earthly approbation. He has received, in the testimony of the esteem of his brethren, the highest earthly recompense to which he can aspire.

Whether any exception should, in any case, be made;—whether if such a man as Adam Clarke should appear among the preachers, the singularity of the phenomenon should be thought to authorize a departure from the rule of one sole election, may be matter of doubt. To us it appears, that it will be time enough to decide when the case occurs.

man, the Doctor, for his great generosity, must be presented with fifty pounds. This is one way of saving the Connexion! putting fifty pounds into a private purse, and depriving the Connexion of the labours of a young man, to support whom that fifty pounds would have gone nearly the full length of the way. When the Committee of the "British and Foreign Bible Society" presented Dr. Clarke with fifty pounds, he nobly returned it, or rather refused its acceptance. But hereby hangs another tale. Mr. W. Bunting, at this moment, 1846, has his name entered in the Minutes of the Conference, for the eighth London Circuit, though not one of the regular working preachers. He had a young man, in 1845, which would allow him sufficient vacant time to assist his father. Now, the Doctor, who can preach against other anomalies when it suits his purpose, can see and approve of this anomaly—a son on the eighth London Circuit, without an invitation to it, without a salary, entered as a regular preacher! His having the rank of a regular preacher is not the only offence, but the partiality of the thing, as well as its injustice to others, who, as super-numeraries, are much more entitled to stand there than he is, whether on the ground of age, usefulness, or piety. Where is the man, except Dr. Bunting's son, who would be allowed this privilege—allowed, by a manœuvre of this kind, to steal a march on the Preachers' Fund; in having a year or two more added to his account, grounded on the list of his regular appointments! Dr. Clarke wished a year or two to be added to his itinerant life, to make up his *Fifty*, but that was over-ruled by the London Clique. The curacy system, which has been creeping in among us, will be taken up in another place.

* When Mr. Jonathan Crowther was in the chair, he left it to settle a private quarrel with Mr. Benson; on this, his friend Mr. Gaultier moved that, as the chair was vacated, another president should be elected. Mr. Crowther perceived where he was and beat quick time back again, which rendered another election unnecessary.

2.—The respectability of the body is prostrated. Instead of having twelve patriarchs, or twelve aged apostles to look up to, in twelve single elections, the brethren are favoured with four, in consequence of triple elections: instead of *twenty-four elders,*—still to scripturalize our language, we are furnished with eight:—and these passing from little more than boyhood to manhood, on their third election, and not even then ripe for veneration. Bennet IX. was elected Pope when eleven years of age; and John XIII. when he was sixteen. But care should be taken to introduce such persons into the office as will impose an effectual check upon the hopes of all young aspirants. Where is the respect due from the body at large to five or six comparatively young men,—say Bunting, Jackson, Grindrod, Scott, &c., perched above their brethren, instead of a score of sages, venerable for years, with the wisdom and experience of the Church, so to speak, embodied in them, and with all the honours showered upon them which that church has to bestow? And what must be the opinion of other sections of the Christian Church, when they perceive us practically declaring that there are only three or four men in the whole Conference, capable of filling the Presidential Chair;—these men occupying it for a series of years, and thus confirming, though in reference to one of the largest Christian communities in the Protestant world, the low view which many have entertained of the talents and attainments of Methodist Preachers.

3.—The liberties of the body are jeopardized. If the person elected is advancing in years, on his second or third election, he is also approaching a state of mental and physical infirmity. However, it may be accounted for: the first election of a man, (and his discharge of his duty,) has had a freshness about it, which has been seldom, perhaps never, equalled on the repetition of the honour. Doctor Bunting, in his first election, did more of unmixed good to the connexion, (or less evil, which you will,) than in any of the subsequent elections. The last indeed, of the Doctor's elections, was worse than useless either to the honour or utility of the connexion. He himself admitted his actual unfitness for the office, and then confirmed his acknowledgment, by leaving the chair in a moment of pettishness and irritation,*and thus prostrated himself in the presence

* This was an extraordinary case, and the more so with his own experience to guide him, and the example of Mr. Crowther to awe him into submission. The question before the Conference was the appointment of a governor for the Proprietary School at Taunton. It is opined that the Doctor had not been sufficiently honoured in the way of consultation: at all events, though in the chair, he made himself a party man in the question. Dr. Beaumont reminded him that he had, during the same Conference, acceded to the appointment of Mr. Waddy to the governorship of the Sheffield Proprietary School—that a governor, if necessary in the one case was not less so in the other—that the Taunton School was as Wesleyan in its character as the one at Sheffield—that as good an education was given in the one as in the other—and that it was erected, like its predecessor, purely to meet the wants of our own people, &c., &c. This told heavily on Dr. Bunting's conduct in the case. He kindled up—told the brethren that he was not to be dictated to in that chair—that he was not there as an ordinary chairman, to put resolutions, &c., but that, as Mr. Wesley's successor, he personated that great man, and was to be recognized as such. There was sufficient expressed in this to shew what was implied, viz.,—that he had a right to do what he judged proper—to be arbitrary, a party man, in short, just what he pleased—that the Conference should not have a will but in his, a wish but in his, a judgment but in his, and that if a majority should go against him, he should have it in his power to overrule that majority! Query:—Were those the sentiments—was this the conduct of John Wesley? This did not suit the taste of the brethren, and in the midst of the commotion he left the chair, stating that he felt he was not fit for it—that he felt his infirmities, particularly a defect of memory, &c. Mr. Scott and others got hold of him and got him replaced. Some of the brethren were reminded of another scene in Mr. Wesley's day. One of the preachers, not being satisfied with some things that were said, rose in his pew and said, "If that be the doctrine taught here, I am no longer a member of this Conference." Two or three of the brethren got round him, as he was making his way out, when Mr. Wesley calmly said, "Let our brother go, we can do without him." This had the desired effect, and the preacher hoped his honour would be saved, by the brethren attributing his return to the compulsory conduct of his friends, of which he was glad to avail himself rather than

of his brethren: a miscarriage, like this which annihilates the Conference the time being, tarnishes every preceding election, and ought not to be risked. Children that are too often and too long dandled on the lap are certain to be spoiled.

4.— Re-election like repetition, is no exaltation. It adds nothing to the dignity of either the man or the office

(1.) Not to the man; for he is just where he was before, and no higher in the esteem of his brethren: it is merely another dish of the same meat, served up the same way, which rather palls than serves to wet the appetite.

(2.) Not to the office; for it continues the same, without any new prerogatives or honours.

Were it the understood usage, not to re-elect, no man could deem himself slighted from not being re-chosen. As the case now stands, this evil exists—and will continue. Not to be chosen again, when eligible, is a slight; almost as bad as not being chosen at all. But all cannot be re-elected. Therefore, this serious evil ought to be removed.

5.—It is a piece of flagrant injustice to others of equal, and, in many instances, superior claims to the persons elected, whose wisdom and experience, as in the case of Mr. Stanley, are placed under a bushel, by lesser lights being put in their place.

6.—It is unnecessary.

(1.) There are other men to fill their office, as in the case of Mr. Stanley, just named,—and whoever filled it more creditably?

(2.) Actual experience and practice in the office, cannot be employed as an argument in support of its discharge; for—

First, that would operate against any man entering upon it, since no one could acquire its experience till he first filled it.

Secondly, the practical working of the office is familiar to every man who attends Conference, and on which he may be said to receive lessons annually, in the conduct of those who fill it; and the more numerous the examples, the greater the probability of success in the person that has to follow.

Thirdly, there are certain contingences which cannot be foreseen, and certain circumstances which are constantly turning up, necessary to be met, and respecting which a re-elected President would feel himself as awkwardly placed, and find them as difficult to deal with, as any other member of the Conference; seeing that the office imparts no additional wisdom, foresight, patience, fortitude, or what not.

To set up actual experience as a plan for re-election, would, if good for anything, be an argument in favour of the office being held for life.

(IV.) No private or party consideration should be allowed either to promote or hinder any man's election to this office. The prime objects to be kept in view are—

1.—The credit and good of the body; and

(2.) The fitness of the man, which fitness will be seen in the qualifications already adverted to,

In opposition to these considerations, arguments have not unfrequently been resorted to, in order to secure elections, not only pitiful in the extreme, but utterly derogatory to Christian character.

(1.) *Firmness* was pleaded on behalf of Mr. Reece, in favour of re-election

to feel that the Conference could do without him. To shew, however, how much Dr. Bunting was a party man on this occasion, he moved, the next Conference, supported by Dr. Newton, that Mr. Ray should not be appointed governor of the Taunton School. The feeling of the Conference was against him. When he found he could not carry his point, he tried to bolster up his declining honour, by stating that, as the deed of settlement had to be made, such clauses might be introduced as might render the Institution beneficial to the body,—thus anxious to make a virtue of necessity.

tion ; it being affirmed, that he would be able to meet the Warrenite storm, at Sheffield ; this, with some who employed it, was only another word for obstinacy, which was no less than a reflection upon the man himself ; nor would such a quality have disturbed the minds of those who put it forward as an excellence.

(2.) *Loyalty* was pleaded by the same party on the behalf of Mr. Stephens, at the Manchester Conference ; a man who, because of his preaching King George more than King Jesus, gave great offence to the people, and sacrificed nearly five hundred members of society, through his haughty, political bearing. The monument, it was urged, was to be raised where the battle was fought, and this irrespective of every other qualification, or even of private virtues, of which he had many.

(3.) *Honour* was advanced in favour of Mr. Grindrod's election at Leeds ! having been actively engaged in the ill-fated organ case. Here again, the monument was to be erected on the battle-field ; and the people to be additionally irritated by the preferment. " Well," said Dr. Clarke, to Dr. Townley " I have long known and loved you ; but I never thought that you were the man to move a resolution to white-wash these Leeds fellows : they will never be white-washed to eternity." This is, perhaps, too strong : but the honour should have been withheld when there was such a great difference of opinion—waving all considerations of juvenility, and the want of certain other qualifications.

(4.) *Whigism* was urged against Mr. Stanley, by the London clique : and yet Mr. Atherton, another whig, was nominated by the tories on the occasion, whose political sins it became convenient to forget in order to serve a purpose.

In fact, the plan has been to seize upon some prejudice, and to wield it adroitly for the purpose of securing any petty and paltry triumph. Some man who has taken it into his head to assert high and arbitrary principles, has, for instance been knocked down—as he richly deserved to be. But, inasmuch as his head has been broken, we must soothe his grief, and retrieve his wounded honour, forsooth, by raising him to the Presidential Chair ! In such contests, the Conference has acquired to itself no honour. The only right motive is, to select the best, the wisest, the holiest, the most useful man ;—the man best adapted by energy of character for the high office.

Some regard should be had to the character of the " times which are passing over us." The Universal Church is concentrating her energies for something great—if the " EVANGELICAL ALLIANCE " can hold together.

We want a man in the chair of an independent, noble, catholic spirit, like the one we now have—Mr. Stanley ; a man devoid of prejudice toward every part and section of Christ's Church ; who will not (in the spirit of the " Watchman," respecting which we give notice of an article) perpetually call the Dissenters by the opprobrious title of " Political Dissenters ;" and yet " Political Dissenters " are as good as " Political Methodists !" Indeed, we prefer the one to the other on the score of consistency ; for, while some of our leading men, both clergy and laity, have been lauding themselves, and each other, as belonging to a kingdom which is not of this world, they have been absolutely steeped in the politics of Churchism and Toryism ; and have, for the last thirty years, been labouring to give the same political cue to the whole body ; on being full to overflowing, they at length decocted the " Watchman," with a view to leek off a little more freely their political feelings. Certainly, the Dissenters have as good a claim to one paper as the Wesleyans have to two—the former to the " Patriot," as the latter to the " Watchman " and the " Wesleyan."

From the President, we turn to—

II.—THE PLATFORM.

We might be charged with a want of Christian charity, and with affirming

what we cannot prove, were we to assert that pride prompted the erection of the platform at our Conferences ; but we will not push this beyond a certain point though it may look in that direction. The necessity of a presiding officer, in a deliberative assembly composed of some hundreds of men convened for the transaction of connexional business has been already established ; and if that business is to be transacted in Christian temper, with despatch, and in the most efficient manner, the chairman should be in such a position as to be able to determine who is the speaker, how far the subject has been kept to, when it has been sufficiently discussed, and what is the opinion of the majority. But all this may be done without the appendage of an unwieldy platform ; nor can we get away from the impression that the inventor was resolved to be in perpetuity, side by side with the President ; and the greatest outcry against our remarks will proceed from those who occupy the elevated post ; but then the opposition will be from an interested party, whose hostility will resolve itself into a mere piece of special pleading, and will be open to considerable suspicion. We, ourselves, however, intend to be simply argumentative—to appeal to the unbiassed judgment of all. If our arguments can be met, let them be met ; we argue as much for our brethren on the floor of the house, as for ourselves. The following are the particulars to which we beg attention :—

1.—The platform being comparatively of modern date, it cannot elaim any regard on the ground of age. Though a part of Doctor Bunting's policy, it certainly, abstracted from that, has neither beauty nor comeliness to plead. It is a formless, unsightly, inconvenient monstrosity, and would appear much better in the centre of a market-place, or in the front of a goal, mounted by the executioner with his axe, than in the house of God, in the midst of an assembly of Christian ministers.

2.—The brethren were not fully aware at first how it would work, and were the less suspicious for some time, from the circumstance of platforms being familiarized to the eye in Missionary Meetings. Its introduction was sly, unobtrusive, and at first viewed as almost necessary ; but, for some years past, its effects have been woefully felt : the scaffold, as well as the platform, has been recognized.

3.—There was no platform in Mr. Wesley's day, nor for many years after ; and yet, when anything does not suit the great Ruler's taste or purpose, no man pretends to greater scrupulosity than himself, in any departure from the plans and proceedings of Mr. Wesley ; and though, agreeably to his own doctrine, he is, when in the chair, not himself, but Mr. Wesley ; yet he can afford an equality of position one year, during presidency, for the sake of seven years equality with the President, when out of the chair. We are queer creatures for giving and taking, especially when we can obtain more than an equivalent in return. But just imagine the venerable shade of the departed Wesley to enter the Conference, and fix his eye on this wonderful erection—this piece of parade—graced with four Missionary Secretaries, three Letter Writers, four Secretaries to the Conference, two Governors of Schools, with other functionaries, too numerous to mention !

4.—There is no platform in the House of Commons, as we stated in our first sheet, raising a few ex-ministers the head and shoulders over their brethren ; nor in the general assembly of the Church of Scotland, from the government of which Church we took our District Meetings. Why not imitate the dignity and simplicity of the same Church, in the absence of such elevations ? The Wesleyan platform is certainly unique in form, in character, and intent.

5.—It leads young men to assume an air of importance ; makes them pert, forward, officious. As “ shallow draughts” of knowledge intoxicate the brain, so undue elevation not unfrequently produces the same effect.

6.—It gives the few an undue advantage over the many ; which is unsafe

in a body pre-eminently one. We have often thought that arguments coming from that elevated place,—although very light, when weighed in the balance, have been taken to possess unusual force, like light substances, which acquire momentum by falling from a height.

7.—Senior brethren, who have borne the burthen and heat of the day, are placed at the feet of comparatively young men. Till last Conference, the venerable President—the Rev. Jacob Stanley, was placed at the feet of Messrs. Jackson, Hannah, Scott, Fowler, Beecham, Alder, Barton, Keeling, Farrar, &c. ; and Mr. Atherton, and others, between 70 and 80 years of age, still remain there.

8.—The whole apparatus is an anomaly. What can be more out of keeping than the *President*, (the highest officer,) and a *Letter Writer*, (the lowest officer,) placed side by side? Moreover, the President is hidden, in great part, from view by a huge box, like an auctioneer behind his desk! the back part of the platform being necessarily higher than where the President sits. Now, we contend, that he who is to preserve the assembly in a state of order and decorum, during the transactions of its business, should have his seat so elevated and circumstanced, as to give him the most perfect oversight and command of the members of the assembly, with the greatest ease to himself, and without the least prostration of dignity; giving him in actual position what he is officially, a point of elevation which will at once place the entire assembly below him.

9.—As by elevating a man to such an office, we enter into a sort of compact with him, and promise courteous and Christian submission to him while he is in it; it is necessary that his seat and insignia of office should be so placed, as constantly to remind us of our compact, and to inspire us with due regard for consistency in our demeanour towards him. We find the position of affairs the very reverse of this. All on the platform being next to equal to the eye, the persons around the President, especially Doctor Bunting, are often addressed instead of the President himself; and hence a diminution, not only of dignity, but of attention and influence. Not to be profane, the satellites draw off the eye from Jupiter; the men around divide the attention of the House among themselves, which ought to be concentrated in the Chair: nor can it be otherwise, as every man expects some attention, being led to conclude himself a person of some consideration, having been placed there for the purpose of reminding the brethren either of what he was or what he is. But—

10.—Wherefore should all or any of those who have filled the office—say, of President, have any elevated seats, or any visible emblems of their past honours, unless they mean to state that when a man has been once advanced to this dignity office, he is never to descend from it again? and if men, who have been inflated with the dignity of the office, seek to be thus lifted up above their brethren, ought they therefore, to be indulged?

11.—If those who have sustained the honours of this office, with credit to themselves and to the body, continue to be actuated by judgment, prudence, and a love of liberty, they will neither seek, nor allow themselves to retain any other prominence among their brethren than what their age, wisdom, gravity, and service to the Connexion will give them.

12.—But what claim can the Secretary, Sub-Secretaries, Missionary Secretaries, Theological Tutors, Clerks of the Journals, School Governors, Letter Writers, Representatives from Ireland, &c., have to a place on the platform, some of whose offices require privacy rather than publicity to an efficient discharge of them; none of whom should either be, or seem to be, seeking any other credit by their offices, than what their behaviour in them fairly entitles them to.

13.—Pre-eminent modesty, humility, piety, and reflection, would never

permit the Junior brethren of the Connexion to perch themselves upon the platform, while any of their Seniors, who are at least their equals for talent, respectability, and service to the Connexion, are sitting on the floor of the House: and were such compelled to take their place upon the platform, (and nothing but compulsion could place them there,) they would be the last to open their mouth on any disputed matter.

14.—The presence of young men on the Platform is not only a piece of flagrant injustice to others of equal, and, in many instances of superior wisdom, piety, and usefulness; but it is out of character even in an official point of view. Why not place the Chairman of such Districts as Bristol, Manchester, Leeds, Birmingham, Liverpool, &c., there? They are as important personages as some of the brethren who grace the Platform.

15.—A Conference Platform is anything but a true representation of the talent, piety, and glory of the body. The public naturally enough suppose that the men whom they see crowding our Platforms on Conferential occasions, constitute the weight and very cream of our Connexion for ministerial talent, piety, and excellency; and the men who ordinarily throng our Platforms on such occasions, evidently entertain and foster the idea. But, is it as the public and such men think? Far otherwise; and sometimes the very contrary.

16.—Our Conference Platforms are detrimental to the wise transactions of Conference business; overawing the brethren on the floor of the House, who are often disposed to suffer in silence, rather than speak, and of the benefit of whose wisdom and experience the Conference, in consequence, is deprived; while they infringe on the liberties of the body, by giving to some who are upon it, and to others who are countenanced by it, a boldness bordering on impertinence and tyranny; intimidating, as just stated, the modest, the timid, and the humble, and so prevent them from rendering those services to the connexion, which their ability and fidelity would qualify them for, and prompt them to, provided this decapitating emblem of Charles I., or revolting emblem of the French guillotine was levelled with the dust.

17.—The men on the Platform, practically constitute a party against the brethren below—defend and support each other on any remarks offered on their plans, propositions, and speeches. Thus, Doctor Alder was carried through his Canadian case—a point which may again be adverted to. The men have not only the influence and honour attached to their separate offices, but they have the overwhelming weight of the Platform superadded; and being divided among them, they work into each other's hands.

18.—The Platform has been too long a kind of seat of government. It could, till lately, carry almost every thing. It could dispose of the Presidency, with something approaching to certainty; and at one time we had a succession of Doctor Bunting's colleagues in the Secretaryship to the Missions for Presidents. No measure could succeed to which the Platform opposed itself. No measure, however absurd, was likely to fail if proposed there. The last Conference began to shew some signs of having borne this long enough.

19.—By some strange fatality, in times past, a man, when raised to the refined atmosphere of the Platform, seemed to lose all independence of thought: or else, his views of things were all taken through a medium which shewed them, to all inhabiting that lofty region, in one point of view. Hence its prejudicial influence on the men themselves. Mr. J. Fowler may justly take to himself the credit of being the first who successfully resisted the Circean influence. He is, in the character of his mind, of so sturdy a make, that the Presidential chair, when he arrives there, (which must be, ere long,) will not detract one atom from his independent bearing. Neither will it alter the character of the venerable man—Mr. Stanley, who now so worthily fills it. But Mr. Fowler's elevation to one of the humbler offices on the Platform was no more intended

as a compliment, than it was expected he would be transformed, and take the eve of others; but Doctor Bunting was aware that every transaction was recorded in the pew; and he has expressed his uneasiness both in Committees and to his private friends, respecting the Fowlerian note book, lest some of his committals should turn up another day to his disadvantage: with a view, therefore, to cripple Mr. Fowler, by furnishing him with other work, he was elevated to a place he never loved, and where he sits as a speckled bird. The prophet saw wheels within wheels in his day.

20.—The brethren on the platform are too near the ear of the President, especially Doctor Bunting, who is always seen hovering round that quarter, and poking his nose into the ear of such as will allow it. And it is difficult for a President to be preserved free from bias, on being within the immediate range of a set of practiced party men.

21.—Though we do not attach much weight to it, yet we think it worth while observing, by way of close, that as the time of holding the Conference is the hottest season of the year, it is necessary that the President should be preserved as cool as possible, and, therefore, elevated and apart, so that he may not be thronged and melted by having a crowd of persons around, and on a level with himself: and this is the more necessary, if he is to be preserved in health, vigour, and comfort, through the whole session; seeing he has punctually to commence and conclude every sitting of Conference during the whole of its business. But this is a personal, rather than a connexional objection; and it is on the latter ground we enter our solemn protest against the Platform, as an unmitigated evil, *and a stifler of the spirit of freedom.*

As it is asked, whether, in the case of the Missionary Secretaries, there is any reason why another six years' appointment should be made; so, in the same sly, but determined way, it should be asked, whether there is any just reason why the Platform should remain. All upon the quarter deck, with Doctor Bunting at their head, will cry loud and long, Yes—yes—yes: but the brethren in the hold will say—No—no, to a man.

In passing from the presidency and the platform to—

III.—THE CONNEXIONAL COMMITTEES,

We shall find this part of Dr. Bunting's policy characterized with much depth and caution and cunning, as anything that bears the stamp of his mind; having gradually and warily drawn his web around him, like the spider, thread after thread, till he has ensnared the whole Conference, as in other cases referred to, in his meshes: and it is to be feared, that nothing short of a tempest will blow the web away, unless a kind Providence should interfere. The transaction of so large a portion of the business of the Conference, by means of its Committees, renders it a matter of importance that these Committees should be chosen to the satisfaction of all the brethren. There are strictly speaking, only three which may be deemed.

(I.) Popular Elections in the Wesleyan body.

I.—The choice of President is by ballot. All who have travelled fourteen years have a right to vote. This is the most solemn and deliberate act of the Conference. No one presumes to nominate. The brethren are left to their conscientious choice; no visible influence, at that time, acting upon them. Yet, from the Platform, an intimation has come, not many years ago—that the nomination of a President would be proper. This must be resisted; or the power of choosing would be greatly curtailed, and ultimately would be got rid of. Dr. Bunting overshot his mark with his fourteen years' men; for that which he resorted to, in order to secure his own election, secured the election of Mr. Stanley, to whom his party had been so long opposed. This ought not to be lost sight of by men of liberal principles; the many, in a popular election, have an amazing advantage over the few.

2.—The election into the hundred is two-fold: one out of every four, chosen by ballot out of the whole body of preachers. Such is the theory; but it is much restricted and confined in practice, for here nomination comes in with a vengeance. A man has little chance of being chosen, unless he is already one of the elect, i. e., unless he be nominated, and nominated from the platform. The preachers here unwisely suffer themselves to be swayed by the nominations, until very little of choice seems to remain in their power. The reasons assigned to them, to persuade them to elect some particular man, are often very curious, and should open the preachers' eyes:—"Such a one has been treasurer of such a fund," &c., or has filled some other paltry office. Even when a good man and true is proposed, the reason for nominating him is often anything rather than that which constitutes the real claim. Last year, for instance, passing by the unequalled intellect of the Rev. John Lomas, and the important services he has rendered the Connexion, the Platform (our readers will know what we mean, for Drs. Bunting and Newton where the chief speakers) recommended him because he was Superintendent of the first London Circuit. By parity of reason, the Rev. Joseph Beaumont, who stands in the same relation to the second London Circuit, should be elected next year. But we fear that the reason which was so forcible in the one case, will avail little for the Doctor. He can however, afford to wait. His time will come, notwithstanding the platform tide that has invariably set in against him. All who have passed their term of probation are entitled to vote for the hundred.

3.—The chairman of District Committees are voted for in the same way as members of the Hundred, except that they are not nominated. Attempts have been made to do so by reading their names louder than the rest: a modest platform trick! A forward young man of the name of Charles Prest, who has been undergoing the operation of bronzing some time, and who is supposed to be acting the part of a feeler for the gentleman who has already brought the brethren into a state thralldom, and damaged their openness and simplicity, is anxious to deprive them of this shred of liberty, by limiting their franchise. But no,—perpetual Chairmen are too near akin to perpetual Dictators. This youth no doubt, expects to be rewarded in the same way, for crippling, as Mr. Bunting was for enlarging the franchise of the fourteen years' voters.

(II.) The propriety of voting by ballot.

1.—It is perfectly scriptural, Acts. i. 26. A very probable interpretation of this passage is, that this was the mode in which Matthias was elected into the apostleship; still, of course, under divine influence and guidance. Dr. Clarke says, it is possible that the whole was decided by what we commonly call ballot;—"God inclined the hearts of the majority to ballot for Matthias" Schleusner, the great critic and lexicographer of the New Testament, says that the lots were "the tablets on which the apostles had written each the name of one of the candidates for the apostolic office." This method was adopted, in a case of as great importance as any that can come before a Wesleyan Conference.

2.—It is Wesleyan, having been frequently resorted to by Mr. Wesley even in personal matters.

(III.) The objections generally urged against the Ballot.

1.—"It would occupy too much time." To this we reply, that the general business of a Conference might be going on: twelve names are soon written, for after all, it only becomes the work of one man, and not one man doing the work for four or five hundred: just so soon as a man can select and write twelve names, the work may be done. The fifteen General Committees may be formed in this way, in a couple of hours. Preachers are not quite so ignorant of their brethren as these committee-makers imagine, and ought not to be insulted by such implications.

2.—"The balloting system is odious and often cowardly." We have to state here, that cowardice and concealment come, as a charge, with but an ill grace from persons who are so partial to closed doors,* privacy, and packed committees.

3.—"The Ballot would defeat the design of secrecy." Our answer is, the object is not secrecy: it is freedom from all improper restraint.

4.—"It is an American exotic—not British." Admitting it,—all things are not necessarily bad that come from America: but, the fact is, we have traced it to Palestine.

5.—"No man need be afraid of voting openly, seeing he can suffer no inconvenience." Without entering upon this at present, we could tell some tales that would make this more than doubtful.

(IV.) The advantages arising from the adoption of the ballot.

1.—It is much more grateful to a man's feelings to know that he is the man of the multitude, rather than that of the few.

2.—He is placed in a much more honourable position before the public, by a popular election, than he could be as a mere nominee of a clique, or worse still, of a person of influence.

3.—It gives him confidence in the discharge of duty to know that he is acting for the many, whose opinions are in unison with his own, and who will support him in his exercises, and in whose approbation he is permitted to sun himself.

4.—He secures his independence, irrespective of small party knots who would ever trammel him.

5.—The safety of the body is preserved, as he is elevated by the body who constitutes it, and who must be satisfied with the choice they have made. Hence—

6.—The large amount of personal gratification in the voters, who know not only that they have something at stake, but who are anxious to preserve their privileges in the man they have voluntarily placed over themselves to protect them. We shall now enquire—

(V.) How far it is proper to elect the Members of Committees, especially those of a connexional character, on the proper plan. It may be remarked—

1.—That for some few years back a Nomination Committee, composed of Ex-Presidents, Missionary Secretaries, the Treasurers and Clerks of the Funds, &c., has had the work confided to it of proposing Members for the Connexional Committees. This was a deep scheme, threw an amazing amount of power into Dr. Bunting's hands, and constitutes a part of his "hole-and-corner" policy; being partial, as has been stated, to closed doors, and to a position where he can touch all the telegraphic wires. In this way have the brethren been juggled out of their privileges and liberties, piece after piece, stealthily, and hooded over with plausible pretexts, and without being aware of their position till the ground was removed from beneath them.

2.—These men have been in the modest and disinterested habit of nominating each other, and of adding to their number men like-minded with themselves. The farce is also played (we can scarce call it anything else) of finding unanimously, that there were reasons for another six years' election. This though a little digressive, deserves a careful consideration. Till about nine years ago (see Min. of Conf., vol. 8, p. 84.) the appointment of Missionary Secretaries, as well as that of Editor, Book-Steward, &c., was limited to six years. And there ap-

* Even so late as March last, (1846) a "Special Committee of Finance" met in London, agreeable to the Minutes of last Conference, p. 131, and yet nothing was allowed to be published respecting the decisions of this Meeting, so important to the Connexion; a circular was only directed to the Chairmen of Districts, to let out just as much as the preachers should be entrusted with! Poor dear men, they cannot keep secrets; and it is only fit that the committees should constitute the cabinets in which their knowledge is to be preserved. The keys are kept by Dr. Bunting.

pears to have been sound wisdom in the regulation, but it did not suit the views of some that were in office, who had made up their minds to a life-appointment in the Metropolis. At the Birmingham Conference, therefore, a proposition was brought forward, substantially to make these offices for life. We say substantially so, and we will prove it. But this proposition was not brought forward by the great man himself. This would have been too barefaced ; but, as the Grecian said of Philip of Macedon, "He wanted tools to do his work, and it unfortunately happened that he always found tools prepared for any kind of work." The arguments adduced for the change were some of the most flimsy that ever a deliberative assembly listened to. But the spirit of the Conference was, at that time at the lowest ebb. A little, and but a little, was said against it, and only two hands were held up in opposition. Were there only two men present in such an assembly who were capable of preceiving how such a measure would work ? We cannot believe it. But if there be dissentients, they remained in silent neutrality. That in its practical working, it makes these offices substantially for life is too plain to be questioned. Every six years the solemn farce of deliberation takes place, "whether there exist sufficient reasons for recommending to Conference another six years of office." Half a dozen of the Missionary Committee (or any other) can soon settle it. Have they, in any one instance, failed to find the required reasons ? Never ! Did any man in his senses ever believe they would fail to find the reasons ? If such a man there be, he may take to himself the credit of enormous credulity. Now, committees chosen by the suffrages of the whole of the preachers would not be likely to be so compliant. It would neutralize, at least, this very objectionable regulation of 1836. And we might hope to have some one officer changed oftener than once in ten years. Our own impression, however, is, that things will never be on a safe footing until the secretaries, editors, governors, book-stewards, and all the rest, are chosen by the free votes of their brethren. The way in which they are chosen now is disgraceful : fifty, sixty, or seventy hold up their hands—two hundred remain quite quiescent ; and that is called a unanimous vote. It may be said that there is the utmost liberty given to any one who thinks proper to hold up his hand against the election. Yes, very true. But who, except in an extreme case, would like to appear as the opponent of a man for whom he is bound to cherish friendly sentiments, who is or has been, or may be, for example, his colleague in the ministry ? The men who manage this machinery know very well the kindness, and the weakness too, of their brethren in this respect.

3.—As the men who compose this Nomination Committee have been in the habit of manifesting their partialities, by electing their own clique, as pointed out in the Table of our last "Fly Sheet," p. 4, so, when an independent man has given utterance to an opinion adverse to the feelings of Dr. Bunting and his men, he has been struck off the lists, and has been seen no more for years. Many instances may be adduced, and these we will name when necessary ; we shall content ourselves with one. In this we state facts ; our readers may draw the inference. S. D. Waddy was put on the Book Committee at the Conference of 1837 ; and at the following Conference at Bristol, in the Book Committee Meeting, spoke at some length (he always speaks well and to the point) on the desirableness of revising and amending some of our formularies, especially the Abridgment of the Common Prayer (miscalled Mr. Wesley's) when Dr. Bunting got up and gave him a severe castigation. His name appeared no more on the list of the Book Committee for the next seven years ! Cases like this would rarely occur in popular elections, as the brethren would love a man the more for his independence.

4.—On the election being general the best men in the body would be chosen for the work, irrespective of party feeling, private friendship, politics, &c.—being the result of the deliberate judgment of the many, without regarding the interests of a community so vast, by leaving those interests in the

hands of a few, whose object it has been to preserve themselves and their friends in the power.

5.—Knowledge would be more generally diffused among the Members of the Conference, as will be seen in the enumeration of abuses as noticed in our last "Sheet," which knowledge, except the mere surface, is now confined to the favoured few.

6.—Though touched upon in other particulars, it may be further added that packed Committees such as they now are, engender many evils. They do not only, first, confine the knowledge of the Connexion to the few, who allow only the mere surface part of the workings of the system to escape; but, secondly they furnish a man like Dr. Bunting with an undue degree of influence, prejudicial to the comforts of his brethren, as well as promote party feeling and party purposes. Thirdly, it is in them that men are marked and go branded through the Connexion for years. So it has been with Burdsall, Bromley, Beaumont, Everett, Galland, Dunn, Fowler, Standley, Rowland, W. Griffith, Tarr, &c. &c. Fourthly, they are employed for the baser purposes of furnishing pecuniary help to men who have no claim upon the body beyond that of relationship to some of the members. Thus Dr. Bunting's son-in-law, Mr. Armstrong, has been helped to a salary of £200 per annum, exclusive of travelling expenses, and the privilege of living upon the people; while the Rev. Samuel Jackson, who has done more for the cause of education than the whole of them put together, has been thrown into the background, and been left to struggle alone. Had he been brought forward he might have endangered Mr. Armstrong's living.

7.—A popular vote of the general assembly would promote confidence and union, and would be a proof that all was right and open, and that there was no intriguing going on behind the scenes. Englishmen have learnt in their political reactions, to dread and abhor a "power behind the throne, and greater than the throne." They have learnt this lesson by marking the mischievous efforts of such a power. And it is as bad in the government of the Church as in the body politic. New comers would startle the old fixtures, from whom so much is to be dreaded; they would let light in upon them; and they would be seen in their turn, in a bustle, sweeping off their papers, tying them up, and stroking down their hair to appear trim before strangers, each of whom might, for ought they knew, have a trumpet in his hand to sound the alarm to others.

Every preacher appears to be satisfied with what has been decided by ballot, whether it be the election of a President or the Chairman of a district. It may not have terminated in the choice of the man he preferred; but, at all events, all has been fairly done. He has had fair play.

Our advice to the brethren is, till we appear on other subjects, 1. That in whatever direction the London clique are found looking for a President, they fix on some one else, who is eligible for the office, and who has not yet filled the chair. 2. That they get rid of the Platform, the Nomination Committee, together with the Location, Secularization, and Centralization System, as peaceably, early, yet resolutely as possible. 3. That they retain, with a firm grasp, the three popular elections they have. 4. That they take the advice of Mr. Wesley, not to render rich men necessary to them. Beware of the lay influence of the rich, which Dr. Bunting has found so necessary to accomplish his purposes of making Methodism something to look at and admire, rather than the grand instrument for converting the world. We have felt it our study to lift up the veil, and to give the brethren a glimpse or two into the arena of Buntonian policy: it is for them to watch—to act—to counteract.

By order of the Corresponding Committee for detecting, exposing, and correcting—
Liverpool, Birmingham, Leeds,

FLY SHEETS

FROM THE PRIVATE CORRESPONDENT

No. 3.

*".....Pudet hæc approbria nobis
Et dici potuisse et non potuisse refelli."*

"Shame that such tales of scandal should be mooted.
But deadlier shame, they cannot be refuted."—FREE TRANSLATION.

We have, in what has preceded the present number, placed several passages, in the administration of Dr. Bunting, in such a light as to afford an insight into his real feelings and motives to action—eliciting, from some of his remarks, his inner life. We are far from supposing, that he planned from the first all that has since taken place. Several of his measures have arisen from the force of circumstances, and others from his own strong volition; but then the circumstances have often been the result of previous measures. Others, besides himself, may not have been able to foresee the issue of these movements which conscience, accident, and a thirst for power, occasion them to originate. This nice balance between internal impulse and circumstantial fitness, is, though often characteristic of greatness, as often the result of tyranny and low cunning. Revolutions very often puzzle, as in the intricacies of a "mighty maze;" but it will be found, that they are not always without a "plan." How much of ultimate action is due to accident, and how much to individual foresight, may not be very accurately distinguished:—it is enough if as emergencies arise, the personage in question is found conceiving designs and initiating purposes by which the general tendency of affairs is regulated. All that can be demanded, even of greatness, is the planning mind, not the prophetic character—not specific foresight and preparations for all the contingencies, from the outset of a long and varied career. That Doctor Bunting has never lost sight of his own elevation, from the commencement of his career cannot for a moment be denied; and to accomplish his purpose, he has not only trodden under foot the liberties of his brethren, been reckless of expenditure, but has seriously injured the spirit of the body. God does not require insincerity, trick, and covert plans and purposes, for the government of his Church; these are things which belong to the kingdoms of this world.

In our former Sheets, too, were taken up the separate subjects of LOCATION, CENTRALIZATION, SECULARIZATION, the PRESIDENTIAL CHAIR, the PLATFORM, and CONNEXIONAL COMMITTEES: here we shall be more miscellaneous; but, we hope, not less effective. By turning to our former pages, the brethren will perceive also, that we have endeavoured to clear the ground as

we have proceeded, as to any objections that may have reached us, in reference to ourselves : hence, we have replied to the distinct charges of personality and severity ; and we now come to the ANONYMOUS character of our dealings.

1.—ANONYMOUS PUBLICATIONS.

1.—Is it wise ? We think,—

(1.) That there is wisdom in preventing the worst feelings being brought into operation against known character. Witness the systematic rancour manifested towards Doctor Beaumont Bromley, Dunn, Everett, Rowland, W. Griffith, Tarr, and others,* for a series of years ! Persons cannot hate so well in the dark as in the light ; they must have something tangible upon which to

* These men, as well as others, have been placed under disadvantageous circumstances ; and, in some cases, have been removed from circuits when the people have wished them to remain, simply because they may have had a misunderstanding with a Buntingian official or two, or because not in favour with the dictator himself. But why should this be the case ? Does not Dr. Bunting recollect his own uproarious conduct, in early life, in Manchester, when, in connection with Mr. James Wood, he battled, and published a tract, against the revivalists at the bull-room, whose camp he had but a short time before found it convenient to desert ? Has he forgotten the disturbed state of the society and street placards, at Sheffield, when he was in turmoil with the Sunday Schools there ? Is there no remembrance of his more recent conflicts in Manchester, when the Schools were again the subject of contention, and he politely took Mr. G. R. Chappell by the collar, in the midst of a debate—rendering his position one of the most perilous had it not been for the grace of God in the man he insulted ? Nay, has he ceased to remember how he has been mixed up, more or less, with most of the Connexional squabbles for the last thirty years ? But, then, he is infallible ; always in the right ! Is he ?

A word more on the subject of stationing the preachers. No two men have done more mischief in the Stationing Committee, to the character, usefulness, and comforts of their brethren than Doctors Bunting and Newton—the one by his arbitrary conduct, prejudices, and prepossessions, and the other by scraping up all the tittle-tattle, all the hearsay and one-sided stories he meets on his way through the Connexion. They both have free scope in the Committee, and as the non-favourites turn up they are marked. When a man is not with Dr. Bunting, for just now, in his ecclesiastical measures and movements, he embraces an opportunity of punishing him in his appointment. Direct opposition is an unpardonable offence, and is visited from year to year, as in the case of Bromley, with continued humiliations. If the man happens to be popular, and sought for by better circuits, he will insinuate in the Committee, in which he mostly sits by office, that the preacher in question is not fit for the situation—not to be trusted—or not deserving of it ; or he can insinuate most intelligibly to those preachers already in possession of that circuit, that he is a colleague not to be desired ; and should any of the lay-lords, who wish to be considered the representatives of our first-rate circuits, consult him for his opinion, he can as easily, as he has often been known to do, give the mad dog a blow on the head ! And well would it be if there were no other preachers in the Connexion under the influence of the same spirit and principles of the persons just named. But we have Dr. Bunting's minions—John Scott and others, who can and do, as in the case of Messrs. W. Tarr and W. Griffith, carry out his insinuations against those whom he has branded, when he is not disposed, to save appearances, to be seen himself. As to Doctor Newton, it is only of later years that he has exercised, in his wanderings, an inquisitorial espionage over independent and marked men, as though this kind of conduct and knowledge (appearing knowing) were necessary to give dignity, and confirm his title to his doctorate. At all events, he is a changed man. Wherever he goes he does his best to open the doors of the most desirable circuits for himself and for his favourites, and to prejudice the minds of our influential and official men against those whom he (we will not say hates but) loves less, and so shuts the door against them. All this under-working, counter-working, and indulgence of the worst feelings, is to be devoutly laid at the door of piety and every man is to consider his appointment as providential !—as though Providence would work with such tools, and honour such feelings as these. This is not as it has been, nor is it as it should be. Did the Apostles and first Christian ministers, when they differed in opinion, undermine, supplant, and pursue each other with malignant feeling ? Did Paul watch the appointment of Barnabas and Peter, with whom he did not only differ in opinion, but had to withstand to the face ? Did he attempt to

fasten their hostile feeling : it is a mortifying affair, when they are compelled to seek for a resting place, but can find none.—Give them an object, and the bile will accumulate—and their guilt will be proportionately enhanced : save them from this, in mercy to themselves, and it will waste itself in its wanderings. The persons referred to are admirable haters ; and any offence committed against them is felt in its effects through life : Dunn was as much hated and insulted after his renunciation of the Eternal Sonship, Bromley after his softening in the case of Doctor Warren, and Everett after he burnt the “ Disputants,” as before ; though the latter, according to his own confession, did it—not because he was convinced of the fallacy of his arguments, but for the sake of peace, and in mercy to Doctor Bunting and his party, whose one-sided proceedings are laid bare in it ; the only work Mr. Lessy declared in our hearing of which they were afraid, which they were anxious to suppress, and respecting which they maintained the utmost silence, lest they should bring it more fully into notice. All that we can say is, these three men were fools for their pains. They are just where they were—nay, hated the more. They are however, warnings to others, not to give place an inch.

(2.) That there is wisdom in working under cover, when it is certain you would not be listened to openly. Under cover, we can go on unmolested, till the whole tale is told—till the whole case is opened ; otherwise, an attempt would be made to stop us on the outset. Junius was aware of his strength in this respect.

cramp their energies, lessen their respectability, or curtail their influence? Did he, Bunting-like, mark them from year to year? Such conduct, we say, is wicked. If a man has offended, bring him up for it, award punishment, and be done with it at once. But for a man to be pursued from year to year, like Bromley, Dunn, and others, deserves no milder name than that of persecution. It fosters the worst feelings against the excellent men, and is a sin against the church of God, in diminishing their usefulness, by lowering the standard of their ministerial character. We repeat it, the Apostles of Christ would have considered themselves disgraced by such conduct. There was no such lust of power visible among them ; no such party spirit operated, as to lead them to devour each other. Nay, we ask, did the first and best of the Methodist Preachers, thus worry and destroy each other? Is such a course either honourable to God, just to his ministers, or beneficial to his church? We say the contrary. Such conduct is reserved for the present improved and very perfect state of Methodism, under the administration of Doctor Bunting. This lovely state of things exhibits too the blessed tendency of METHODISM MADE PERFECT, by the “ master mind” of Doctor Bunting and his adherents ; the “ Methodism as it is” of the Mender of Systems! When a man does not coincide with his views, or he, for some reason or other, takes a pique against him, what is the result? He must be sent to certain circuits—not to those for which he is fitted—not because there are no other circuits urging his appointment to them—not to promote the work of God—not because there is the slightest impression that the Head of the Church designs him for that special field of labour—not that the circuit belongs to a class that at all harmonizes with his age, talents, or character—but by way of PUNISHMENT!—not for an offence against either God or His Church—but because he is not the beloved of brother Bunting! What a motive—what a feeling—what an object, to be associated with a minister of Christ in his appointment to a circuit? What delightful feelings the preacher must have to work with? How beneficial to the work itself? What a pleasing prospect of prosperity! A chafed mind to start and proceed with, and a people and a circuit with the brand of transportation affixed to them! If the men had not more of God about them than their persecutors, girding them with patient endurance, they would bid farewell to the Methodism they love. Is this the way to make talent, and character, and usefulness, go as far as they are capable in the body? Are men to be appointed to the work of God out of vengeance, rather than from views of fitness—from a feeling of love and of respect? Is this the way in which the gifts of God to his ministers are to be employed to the best advantage, and to effect the greatest amount of good? Is this the way to treat the ministers of the sanctuary whom God has called to the work, and whom he has fitted for the higher, if not the highest offices and post in his church :—men whose morals are unimpeached—whose piety is unsuspected—whose usefulness is undeniable—and whose talents are superior to several of those that move in the Bunting wake. If this is “ Methodism as it is,” the Lord, in mercy, bring us back to Methodism as it was!

(3.) That there is wisdom in avoiding unnecessary exposure. We may be selfish here. But why should any class of men, in an attempt to correct evils, and to accomplish a great good for others, risk their own position and interests in a community, for whose success they have laboured, to whose support they have liberally contributed, and which they yet ardently love? Why preclude the possibility of enjoying its privileges in its improved state, after winning them, by being persecuted from the body? The Dictator, rather than bend, would hazard the loss of hundreds of members of society. We may be wrong, but we believe the loss of so many members in the organ case at Leeds, and the Warrenite struggle of 1834, excited more of the joyous feeling of Napoleon after a victory, than the compassion of our Lord over the lost inhabitants of Jerusalem. None of his movements have been characterized by a fear of losing, or a desire to save. Ambition is reckless, and keeps no ready-reckoner to count the cost: the innocent and the guilty are sacrificed—the benefactor and the benefited. We know our man, and should be less wise to allow him to know us. We are somewhat too knowing for that—Doctor Whately, Archbishop of Dublin, has a remark somewhere in his writings to this effect,—That the professedly orthodox in Christianity, manifest more malignity, more recklessness, more of a permanently persecuting spirit towards those who differ from them merely in *opinion*, than towards the *immoral* and flagrantly wicked. This is marvellously exemplified in the conduct of Doctor Bunting—driving J. R. Stephens and others from the body, and shielding P. C. Turner—the former, so many doves, the latter, a crow among crows.

2.—Is it right? We reply,—

(1.) That we can see nothing morally wrong in it, while truth is adhered to, and wholesome principles of conscience and practice remain inviolate.

(2.) That the best leading articles, reviews, &c., in the Wesleyan Magazine, the "Watchman," and the most popular Journals of the day, together with pamphlets, and large works, in which public characters are assailed, and measures are discussed, are unaffiliated.

(3.) That agreeable to general usage, and the common consent of all parties, men are allowed to transact business in their own way—to meet their opponents with their own weapons—to adopt their own mode of warfare, being left either secretly to spring the mine, or to take the open field. When things are wrong, we conclude it right to correct them; to correct them by such means as our best judgement may suggest at the time. It is not usual for one party to ask another how they would wish to be attacked; each side assumes the right of thinking and acting for itself: and of this privilege we shall not allow ourselves to be deprived.

• We may be met here by a law to which a circular of the late Mr. Galland gave rise, published in the "Leeds Mercury," some years back.

"What is the judgment of the Conference concerning the publication of General Circulars, addressed to our preachers and others?"

Ans.—"That it is highly inexpedient, and perilous to the peace of the body, that any preacher should, on his individual authority, issue general circulars addressed to our preachers, stewards, or other officers, as such; or to our people distinctly, in their religious character and capacity as Wesleyan Methodists, such circulars being intended and calculated to engage their attention and activity as Methodists, distinctively, on any *political* subject which may be agitated at the time by the several parties of the state."

This rule we hesitate not to reprobate—first, because opposed to the liberty of the press. Secondly, because of the accommodating character—being grounded on Doctor Bunting's fear and horror of the press, whose freedom is so well calculated to uncover his crooked, selfish policy. And besides, thirdly, it refers to the preacher in his "individual" character—a point which our opponents have to prove, viz.:—that it is a preacher, who is the author of these letters, and that he publishes on his individual authority. Fourthly, they are political circulars that are specially referred to. And fifthly, Jabez Bunting, and the few who act with him, have published circulars on their own individual authority—that is, without the sanction of the Conference—thus violating both the spirit and the letter of the law.

3.—Is it honourable? We observe,—

(1.) That we have the example of others for our guide. Politicians have their secrets; commercial men have their hidden springs; benevolence has its quiet movements; every Christian community has its private transactions; and there is not a family without its internal acts for correction and improvement.

(2.) That we confine ourselves, as much as possible, to the priesthood, anxious to preserve the peace of the body; and happy are we to find, that, in the few advances towards reform, the brethren act so much in quiet concert—with coolness and caution—yet apparent firmness and perseverance.

(3.) That we have no private personal ends to accomplish;—nothing beyond the good of the body and the liberty and comfort of the preachers; and therefore cannot be taxed with interested motives: we are working, not for ourselves, but for others. Would that the selfish characters we oppose could say the same! We pay all our own expenses, and forward our observations and advice free of cost. When Doctor Bunting has any measure to introduce, as in the case of forcing the Theological Institution upon the people, he has the privilege of making the Book Room and the preachers pay for the whole!†

(4.) That we are preserved in countenance by the party we oppose. The whole of Doctor Bunting's policy is covert—cautious—distrustful—only exhibiting a certain portion of his conclave acts to the brethren; men who have an equal interest in Methodism with himself—are equally desirous of furthering its grand designs, and to distrust whom, is as great an insult offered to their intellect and integrity, as its a piece of flagrant injustice not to allow them to be on an equality with himself and his minions. All his designs, plans, and preparatory acts, are concealed; even his real reasons are generally hidden from all, save those with whom he is in league. His whole drift has been to mould the system after the secret plans of the Church of Rome,—the intrigues and cunning of a civil state. So much for newspaper reading and the House of Commons. Everything must be done in a statesman-like manner. He has been an apt scholar; but Methodism and Methodist preachers have had to pay a fearful price for his tuition. He is like a child at play—always aping the premier—and every measure proposed by him must be carried.

(5.) That we are not attacking, strictly speaking, the individual, but a system. They are measures, not men, with which we are at war. The individual is noticed only in our way to the system; noticed as its author and abettor,—as the instrument of wielding it to the annoyance of others,—and as a participator of its exclusive benefits. From hence arises our repeated allusions to Doctor Bunting, as the originator of most of the evils of which we complain. The apostle could not notice the systematic opposition with which he met, without at the same time mentioning the name of “Alexander the copper-smith,” and others, who were the authors of “much evil.” The men, together with their deeds, absolutely press themselves upon our notice; and if they persist in obtruding themselves upon us in their measures, and will not stand out of our way, they must take the consequence.

† The Wesleyan press—a tremendous power of good or ill to be in the hands of any man—is as much under his control as if he were sole proprietor. The Editors, and other officials, of the “Magazine” and of the “Watchman” have him as present in the mind, in all their movements, as the compass and the chart are in the eye of the mariner in his various bearings. Hence, his friends and supporters glide over the pages like a vessel under easy sail, gilded by the sun; and his non-supporters and marked men have buoys floating over them like rocks and sand banks. The advertisements of the latter are either denied insertion, or basely altered, or both, and their works denied a review. We have a list of cases by us; but we merely cite the treatment of Isaac, Everett, Dunn, and Shrewsbury, at the present. Majesty would be offended—favour and place are of importance. The author of the “Wesleyan Takings” has laid bare several of the doings of the men in

(4.) Is it Christian?

(1.) Several of the books of the Sacred Records are anonymous, and in those books attacks are made upon persons and systems. We are quite alive to the distinction between their inspiration and our own fallibility: all we wish to insist upon is, the example; and while others are imitating them with, we are imitating them without name; the same example is supported in both cases: But what avails it if we are wrong, whether we are told of it by a person in the dark or one in the light? A knowledge of the person will be no justification of the deed. What would be thought of a person roused from his slumbers at midnight, by the cry of fire in the street, who should close his window, and go to bed again—refusing to examine his premises, because the person, giving the alarm, had refused to give his name?

(2.) Most of the reformers were compelled, for the time at first, to work in the dark; not only for the sake of personal safety, in the prolongation of their lives and the preservation of their offices, but to enable them to see how the medicine would operate—what amount of opposition they might expect—and whether they had sufficient strength to stem the torrent that might set in against them.

This last particular will go some way in settling the prudential character of the question. Christianity will, at all times, give her voice in favour of the propriety and necessity of opposing corruption and correcting error: if, then, she is on the right side of the fact, it is with the manner that we have to do; and this again must be principally left to the wisdom we have to guide us in the business. We shall be less in danger of being hung for the manner of perpetrating a deed, than for the deed itself: the manner may aggravate the offence; but still, it is at the offence we must look. It is of no importance whether a vessel is broken by the hand or the foot; whether an evil, as we have just observed, is corrected by a person in the dark or in the light of day. The act, whether good or bad, will be decided by the law and the testimony; the manner may be more or less happy and successful, according to the opinions of those who interest themselves in the matter, and in the final results.

5.—Is it efficient?

We think it both is and has been. Such was the overwhelming influence of the platform, that any dozen men on the floor of the house would have been frowned down, and discussion would have been strangled in its birth. The men who have manifested such caution and taciturnity would have shifted the subject off, or stifled it by clamour. But the brethren, by means of the plan adopted, could read, and inwardly digest, what was placed before them—not in the hurry and tumult of debate, but in the calm of the study, or while musing by the way; and the union of purpose and effort at the Conference proves, not only that they had thought, but thought calmly and deeply on the respective topics discussed, so intimately connected with the prosperity of the body, their comfort as men, and their liberties as Christian ministers.

Let the complainants look at the Stationing and other Committees, for freedom of remark on moral, religious, and ministerial character;—anonymous to those that are without;—men often injured for life, through vague report, without knowing the authors, and with an opportunity to vindicate themselves. The STATIONING COMMITTEE is the great SLAUGHTER HOUSE of MINISTERIAL CHARACTER. Having witnessed the good effects of anonymous writing, in what we have already done, we purpose going on in the same way. Ambuscade constitutes a part of military tactics, and is very often more effective than open warfare: nor is it deemed dishonourable to employ it;—or what becomes of Doctor Bunting's sons? We could unfold a tale here. In addition to the good effects just to be stated, it will appear,—

(1.) That, in comparison with any other conference, since Doctor Bunting has had the sole sway, there was never such freedom of remark as at the one of 1846.

(2.) That there was never witnessed such boldness and resoluteness of purpose to check the abuses that cunning has suggested and tyranny imposed.

(3.) That the liberals never before—whether from accident or design—acted with such union of purpose.

(4.) That Doctor Bunting and his party were never before so thwarted in effort, or toned down in spirit.

II.—RECLAIMED GROUND.

In support of the sentiment embodied at the close of the first head, we have only to look at a few of the progressive steps of Reform. The Conference is beginning to do its own work ; and the following, we think, are a few loop-holes, through which we can see something like “ the peep of day.”

1.—The election of Mr. Stanley, in 1845, to the Presidential Chair, though prior to the issue of our “ Fly Sheets,” was the result of the ascendancy of liberal principles—principles in which we felt the purest and the deepest sympathy ; and to aid which more fully, we deemed it proper to step forward in the way we have done.

2.—The governorship of Taunton School was forced upon Doctor Bunting and his party, in 1844, at the time he himself was in the chair, when he laughably enough attempted to personate Mr. Wesley ; and with arbitrary power—a power of which that pacific man would have been ashamed—resolved on employing the mace : a defeat was experienced : and at the ensuing Conference, in defiance of a resolution of his own, supported by Doctor Newton, Mr. Ray was installed with due honour into the governorship of the Institution. Thus much for 1845.

3.—After we had sown our seed in the spring of 1846, we had the pleasure of seeing it spring up, and yield its summer fruit. Among other things, on the Committees meeting in Bristol,

(1.) The platform constituted part of the graver deliberations of the brethren ; when a resolution was entered into—That it should be lowered, and so rendered more accessible, by reducing it nearer to a level with the floor of the house. Accordingly, it was brought down to a level almost with the pew tops ; and the President, instead of being in the centre of a crowd of underlings, had his chair on a projection in the front, with an ex-president on his right, and the secretary on his left,—the other officials retiring, on either hand, to the back part of the elevation, with Doctor Bunting, in a more vacant space in the centre, seated alone, like a speckled bird, some distance in the rear of the presidential chair ; somewhat in the position of a servant at the back of his master, and not in the front of the platform, as in the year preceding. So much for No. 2. But this, though on the “ sliding scale,” is to be accepted but as part payment, for what has been taken away, and not the whole of what is demanded. The Preachers, on the floor of the house, look not barely at the timber, but the men ; not barely at the elevation, but its influence : however, we are glad to see Doctor Bunting in his less prominent position—behind the president. There—he can neither act as fogleman, in the front of the President, nor as the creature noticed by Milton, insinuating its venom in the ear of Eve. But nothing short of a flooring will break the undue influence of the platform. Let the brethren scan over, again and again, our remarks in No. 2 ; and never for a moment forget, that, even independent of these things, they are watched from that OBSERVATORY ; as to their demeanor, the men with whom they seem most familiar, the expression of face with which they receive platform remarks, and

the votes they give, all of which have an influence in the packed Committees, either for or against them. The weasel eye of the Dictator is always upon them, from that height:* place him on the floor of the house, and freedom will be enjoyed.

(2.) The election of a liberal to the Presidency, in Mr. Atherton, as a successor to Mr. Stanley: thus commencing, and preserving the Presidential succession in a wholesome, disinterested, free, intelligent, and venerable line.

(3.) The election of Doctor Beaumont into the Hundred, preparatory to the highest official honours in the Connexion, which await him. Our readers know what we mean.

(4.) A disclaimer of the hitherto supposed and usurped sovereign authority, of the London Committee for examining and passing Candidates for the ministry; the Conference having reinstated three or four young men in their former position, that had been rejected; thus deeming itself as capable of forming a judgment of ministerial ability and piety as the great Dictator himself; and even more so, in the acceptance of the young men, whom he, and the other members of the Committee, had placed upon the condemned list. What becomes now of the cuckoo note of—"Protect your Committees!"

(5.) A general and strong feeling against re-election to the office of President, which operated powerfully in the election of Mr. Atherton, who had not already enjoyed its honours.

(6.) The expulsion of Mr. P. C. Turner, one of Doctor Bunting's choicest pets. When this case was first brought up in London, so delicate was the Doctor over this select morsel, that he insulted President Stanley in the opening of the case, and protested—notorious as he himself is for the practice in open Conference—against mentioning Mr. Turner's name in his absence, when it was impossible to explain to the brethren the occasion of their being convened without it.† Though selected by Turner as a friend, he refused to act in that capacity, that he might have the full sweep of the Conference, on the event of his conviction, under the more specious guise of being, or rather appearing to be, unbiased in the case. And yet, while the man was under suspension, in consequence of the decision of a minor District Meeting, and at a time when the revolting crime of which he was suspected, and with which he was next to be charged, was ringing in the ears of the Wesleyan body from one end of

* Only the last Conference, on Mr. W. Griffith maintaining his non-approving position of a vote put from the chair, Doctor Bunting, perceiving him from the observatory, shouted out—"Come, William Griffith, stand up like a man and shew your approval of the resolution." To attempt to coerce a man into a measure by public exposure was a work perfectly in character with the Doctor's whole proceedings, and suits one of the purposes for which the platform was erected. But Mr. Griffith was the wrong man to beard in this way. Unwilling to disturb the quiet of the Conference by publicly remonstrating against such brow beating insolence, he nevertheless had too much spirit, according to our informant, to allow it to pass unrebuked; and, therefore, embraced an opportunity of privately waiting upon the Doctor, in bold, set form, to know who gave him the right of singling him out of the assembly in such a marked, uncourtous manner, in a case in which the will was left free, and the right of private judgment was to be exercised. Such was the result of the interview, that it is doubtful whether the Doctor will dare to play the same game again with that gentleman.

† Mr. Stanley stated in the Conference that Mr. Turner sent his resignation to him through Dr. Bunting—that he gave Mr. T. an opportunity of meeting the charges preferred against him—and that the very irregularities of which Dr. Bunting complained were suggested by himself (which was not denied) when he went down to Mr. Stanley's house, in company with Dr. Alder, to consult what was to be done.

the land to the other,—at that time, and immediately on the decision of the Committee, did the Doctor domicile him in his own house, and place him at the same table with his wife, in defiance of that decision, in hostility to good taste, and the more delicate sense of propriety which is known to exist in the public. Between the minor District Meeting and the Conference, he did what he could to screen him, by stating to several brethren, that Mr. Turner had been hardly dealt with—thus exciting a prejudice against the decision of the Committee on which he had refused to sit. Against the judgment also of the Committee appointed by the Conference, he maintained the same offensive position; and when Messrs. ex-president Stanley, J. Fowler, and J. Lomas, moved, seconded, and supported a vote of expulsion, Doctor Alder, Doctor Bunting, and W. M. Bunting, moved, seconded, and supported, that the delinquent, should be suspended, and the subject re-considered the ensuing Conference! With strong feeling, the amendment was scattered to the winds, and the original motion was carried,—giving another shock to the throne of the platform king. We ask, why this man should recklessly sacrifice thousands of excellent members of society—for it was under his sanction in each case in a political squabble at Manchester, an organ remonstrance at Leeds, and by forcing the Theological Institution upon the whole body, and at the same time cling to the last to a man charged with the foulest crime? Without becoming the advocate of either, did he, we again ask, act thus towards Joseph R. Stephens, or Doctor Warren? No: J. R. Stephens had the misfortune not to be of his party; and Doctor Warren refused to minister to his ambition by holding up his train. P. C. Turner belonged to his party, and was a favourite. There is a fearful account standing anent these cases. Mr. Turner's, he observed, with yearning tenderness, was a life and death case; they were going to the extreme punishment of the law—expulsion. But was not the case of T. Davis the same? Were not the cases of Stephens, Warren, J. Keeling, Cutting, &c., the same? We feel half inclined to suggest that the requital of previous kindly offices performed towards Doctor B. may have had some influence on his conduct.

(7) One of the usual tricks was about to be played off at the close of the Conference, when the generality of the brethren had left; but Doctor Beaumont, and Messrs. Fowler and Ververs—fully alive to the platform manoeuvres—remained till the coast was clear. Doctor Newton proposed, and Mr. Mason seconded, that the representatives shall be chosen in the District Meeting, immediately on the election of the Secretary, and Doctor Bunting argued in favour of it. The brethren referred to, knew how this would operate, met the arguments offered in favour of the measures, and obtained a large majority against it. This is one of those elections, properly placed at the close of the meeting, and has been handed down by the fathers of the Connexion, as a compliment to the chairman, who—as preparatory to such election—shall conduct the business of the District Committees to the satisfaction of the brethren. The man, under these circumstances, is on his preferment—is tried before he is trusted: and very properly so, for, as Doctor Beaumont justly observed, the person thus elected might, on the examination of character, &c., which comes after the election of the Secretary, have some charges preferred against him, which might affect even his standing in the body. We regret exceedingly, that the motion of which Mr. Fowler gave notice, was allowed to be passed over, viz:—That every legislative act of the Conference, shall be enacted within the *first ten days* of the sitting of the Conference; assigning as a reason which weighs with us,—that many important enactments have been made at the very close of the Conference, when there were comparatively few ministers present, and when so little time remained, that no sufficient enquiry and dis-

cussion could occur. This subject, we hope, will still be kept in view, and the usual trick be guarded against.*

(8) On the appointment of the Nomination Committee, "the President said, that it was not wise to put the same men on so many Committees,† while

* We say, usual trick, for many of Dr. Bunting's marches upon the liberties of the brethren have been stolen towards the close of the Conference—the brethren having been either indisposed, in consequence of constant attendance, or having finished what they deemed the peculiar objects of their mission to the place of gathering, have left the Conference before its termination. The Doctor and his party, remaining to the close, have then stepped in, to complete their ulterior plans and purposes. On the publication of the Minutes, or hearing of other resolutions entered into the Conference Journal, the brethren have been startled, and have exclaimed—"No such rule was made that I heard of." "It was made," has been the reply, "after you left just at the close, when there were very few of the brethren present." In this way the resolution for examining candidates for the ministry in the metropolis was carried; in this way, too, without two minutes' discussion, a resolution was proposed and carried by the notable Doctor—That a representative for each branch of the Theological Institution should sit as a member of the stationing Committee! We could enumerate various other cases, but may give a list of them at a future time. How discreditable to take advantage of excellent, unsuspecting men in this way! and what a deep conviction of the wrong in itself, to take the advantage of doing that in their absence, which they are aware of being offensive to them in their presence! or of the likelihood of carrying which, in any other way than by trick and low cunning, they entertain a doubt! Is this the way to promote union? Is this the way to take the brethren with them? Would they wish themselves to be thus dealt with? Is not such conduct sufficient to drive men to what we should especially deprecate—radicalism? Low cunning is the only thing of which such conduct has to boast! It is a humiliating supremacy; and good men, who are outwitted by it, have most cause of joy. In the case of Dr. Newton's resolution, mentioned above, to unite the chairmanship and representativenesship in the same person, for that was evidently its ulterior object—Doctor Beaumont and Mr. Fowler strongly objected to it, because of a want of previous notice. But previous notice would have given the alarm, and purloiners of privileges are as little anxious of detection as purloiners of personal property. It is only part and parcel of Master Charles Prest's plan—equally absurd and mischievous, but a little more insidious. Though Doctor Newton's motion was supported by Doctor Bunting, and calculated to uproot a usage that had been established as long in the Connexion as Representatives had been known, yet, on Mr. Rule's book being noticed on Methodism, the latter could gravely, pathetically, and earnestly caution the brethren against becoming "menders and makers of Institutions!" Admirable! from a man who has frittered down most of the privileges of his brethren to the shadow of a shade—taken them into his own hand—and was about to rob them of one of the last shreds of another!—a man who has given a new face to Methodism, and destroyed its ancient spirit of brotherhood, simplicity and honesty, and induced one of caution, cunning, fear, and distrust!—a man, who, in all his studies—for of labour and hardships he has had little to boast—has never lost sight of his own ease and honour! The truth is, no one is allowed to make or mend systems but himself; deeming his own patches the most seemly for the "coat of many colours!" A proposition from any man, save himself and his own party, operates on him like the sight of water on an animal under hydrophobia. Yet in the same Conference, he could object to a motion by another brother, though of minor moment, for want of previous notice. He has had work to keep the saddle.

The Doctor unwittingly observed to a friend once, if we were to put some resolutions in a full Conference, they would never be carried. What says this for the sincerity of this *improver of Methodism*? Let his brethren judge who are his dupes in such cases, how far they merit such treatment, and how far he himself is to be trusted with their interests and the interests of the body. We knew the *fact* before, but its *admission* was wanting to fix upon him the indelible seal of duplicity.

† This sentiment from a liberal in the chair of state found its way not only to the ears of the preachers assembled, but, like others, into the "Patriot" and the "Wesleyan," not a syllable of it, however, was breathed in the "Watchman," the mouth-piece of Doctor Bunting, and for the Confidential intelligence conveyed in which Mr. Bedford was pleased to make himself known as the writer. Though it was somewhat too late in the Conference for the liberals to take the benefit of it, we are not without hope that it will be improved on a future day; and it is high time that this species of favouritism was abolished. We could add many instances to our specimen Table No. 1. Take the case of the celebrated Charles Prest, who, with Mr. Johnson, has been taken under the wing of the great "Station Master." We find the former for the present year 1846, as shewn by the "Minutes," holding the following posts of honour:—1. Member of the Committee for Guarding our

other men equally fit to be on Committees, were not placed on any." (Hear, hear.) So much for our Table in No. 1, which the President must have felt in days gone by; having, a whig, been as great a stranger to the select Committees of the tory party, as some of the brethren noticed in the list furnished. Let the brethren keep their eye upon men who have talked thus, and who are thus disposed, when voting for men for the "high places" of the body. On Doctor Beaumont objecting to Mr. Scott having so many offices as to render a curate necessary, Doctor Bunting insisted on his continuance, and of the help solicited, because "he knew all the ins and outs of the business:" the old argument employed for himself and his colleagues. Keep them in office, and you keep others out of knowledge.

(5.) The Missionary Deputation list met with what may be designated stern opposition. The President himself, as may be seen in a faithful account in the "Wesleyan," Aug. 19, recommended the re-committal of the list to the Missionary Secretaries *and some others*: and after numerous objections, it was accordingly sent back to be re-committed. The watchers—Mr. VEVERS, Doctor Beaumont, and others—were at work in a way little expected by the metropolitan monopolists and electionists. The Missionary Secretaries had actually put "the whole staff," in the language of Mr. Lomas, belonging to the London first circuit upon the deputation. Doctor Alder, who, with this fact before him, disclaimed all design to monopolise, reminded Mr. Lomas of the help his circuit received from the official men resident in London. "Ay, ay," replied Mr. Lomas, who was alive to the ministerial services of these secularized and sluggish men, "there are two sides to that question." The whole five men, however, belonging to the London first circuit, were, notwithstanding the remonstrance, placed upon the deputation list; two sent to Bedford and Northampton, one to South

Privileges. 2. Secretary of the same Committee. 3. On the Special Committee for cases of Exigency. 4. On the Missionary Committee. 5. On the Missionary Deputation. 6. On the School Committee. 7. Treasurer of the Schools. 8. On the Committee for the Removal of Kingswood School. 9. On the Book Committee. 10. On the Chapel and Education Fund Committee. 11. On the Theological Institution Committee. 12. On the Education Committee. 13. On the Matrimonial Committee. 14. Superintendent of one of the London Circuits. So much for a boy, comparatively speaking, who has travelled only sixteen years! We ask, is there either wisdom in this, as to the youth himself, or fairness towards others? But waving the case of scores of others, who have travelled twice and three times as long as he has done, who are not on one Committee, we may place in opposition to this, the position of Mr. Geo Steward, who was so disgracefully hunted out of London, while under domestic bereavements, for exposing sin—a man before whom Doctor Bunting himself is not fit to stand for splendour of intellect, and over whom Chas. Prest, with his comparatively baby intellect, has no advantage beyond that of pertness, truckling, and toad-eating;—this man, who has travelled as long as the person in question, has his name inserted only on the Missionary Deputation List! Why is W. P. Burgess omitted, whose scholarship alone would reduce the pretensions of the Doctor to that of a very limited scale? Has he sinned beyond redemption in the publication of his Hymnology, in connection with his vindication of it? What has John Knowles done? He is a man of vigorous mind, and is now in the fiftieth year of his itineracy, and he has been uniformly kept from all Committees. The only sin of which he has been guilty that has come to our knowledge, is, that, like Mr. Everett, who has shared the same fate, he was an admirer of Doctor Clarke. What has John Burton done?—a man that has laboured and suffered in the Missionary cause, has travelled upwards of twenty years, and has an intellect of a superior order, as well as modesty and character to beautify it. He, alas, is another who has not rendered voluntary homage to the "great image"—the giver of places, preferments, and pensions—and must, therefore, be kept in the back-ground. We presume Mr. Prest's case will next have to be met with an additional curate. Brethren, beware! A boy of sixteen years standing loaded with *fourteen* Connexional honours.

We are glad to find that the friends of the Rev. G. Steward took him by the hand in the metropolis, Monday, Nov. 23, 1846, and shewed the esteem in which they held his character, his talents and his ministry, at a social meeting at Riley and Rayment's large room, London Wall, when he was presented with an address, and an elaborately-wrought massive Silver Salver, finished expressly for the occasion with an inscription upon it, on his removal from the first London circuit, to which he was appointed, and in which he ought to have remained.

Wales, another to Manchester and Bolton, and the fifth to Newcastle-upon-Tyne.

(10.) As a proof of Dr. Bunting's exasperated feeling, he opposed the decision of no less than three Committees; the Conference Attendance Committee, Mr. Turner's Committee, and the Scotch Gown Committee. Committees had comprehended one of the secrets of his strength, and to oppose the decision of a Committee was an insult to the Conference that appointed it! Whence this change? Did he feel the ground gliding from under his feet? What is singular, in the course of the sittings of the Conference, when Mr. Fowler called the attention of the house to the London Committees acting upon laws of their own enacting before they received the sanction of the Conference, Doctor Bunting instantly rose, and told them, that the recommendation of such Committee, in which there were so many *respectable laymen*, should not be slightly passed over or rejected; observing,—“You are the CONFERENCE, but not the CONNEXION. and you must not ride rough-shod over it.” Here, the lay-lords, who had bought him at Birmingham, with £2000, and towards whom his obligation was so strong, were hung as a rod, *in terrorum*, over the head of the Conference? the very thing against which Mr. Wesley cautioned the preachers, and which was wielded with such power on the division made by Mr. Kilham. We are not yet done with the Birmingham boon: it will be felt in succeeding years, and probably be the cause of another division. The brethren will bear in mind, too, this new definition of a “Connexion.” The rich men in Committee were persons referred to, and they, of course, are the Connexion!! What would John Wesley think of this? The Connexion is governed—not by the Conference, but by London: London, by Doctor Bunting; and Doctor Bunting by the lay-lords! Bristol, as a Conference-place, is a mere cipher—Manchester is a cipher—Liverpool is a cipher—Leeds is a cipher—Sheffield is a cipher—Birmingham is a cipher—Newcastle is a cipher! London is the substance; these the shadow! The Conference is nothing; the lay-lords are the Connexion! Cannot the commonality, who form no part of the Connexion, according to this new definition, get up a penny subscription, in order to get incorporated into the body, that they—with the nobles in Committee, may be able to say—We, the Connexion? The brethren have allowed themselves to be juggled into an admirable state of things by the Localizing and Centralizing system, and by the Seculars of the metropolis.

In conclusion, on this head, we may now congratulate the liberal part of the Conference on the progress already made. It was much more than was expected; but may be considered as the first fruits of an ample harvest of good. Let the ground which has thus been quietly, but resolutely won, still be maintained. Look for more; struggle for more, but not tumultuously. Watch every opening; keep pace with the enlightened and liberal principles of the times; change the men in office in due time; and let every man look to his votes.

III.—REASONINGS, SYMPTOMS, RESOLVES, AND DOINGS.

1.—THANKS. The Missionary Secretaries who had felt the force of our remarks, especially in No. 1, were not quite prepared to meet them in the usual way of a formal defence. Doctor Bunting now felt the need of the lay aristocracy, which he had long laboured to establish, and into whose hands, as in Kilhamitism, the Connexion is in danger of falling. Mr. Heald—that it might be the less suspected, being from the country—started up in the “Special Missionary Committee of Review,” and proposed a resolution which, in substance, declared the satisfaction of the meeting with the proceedings of the Committee; thus white-washing both the men and the cellars beneath the Missionary premises. Any allusion to the “Fly Sheets,” would have been like a fly in the pot of ointment. Hush! it was hoped that all was over. This was fittingly preceded by Mr. Beecham and Dr. Akbar (the latter of whom is an admirable

example of economy and self-denial!) "who read the Minutes of the General Committee," manifesting, as usual, the utmost attention to every particular which could increase the income, or diminish the expenditure of the Society!" "Watchman," July 29, 1846. A triumphant answer to all the charges! "satisfaction and diminished expenditure!"* It reminds us of a case with which we have met

* We shall be glad to learn when this "diminished expenditure" took place, and where it is to be found? By turning to the "Minutes" of 1844, p. 127, we find 12*l.* 12*s.* placed to the account of Mr. W. M. Bunting, for a jaunt down to Scotland, to present a copy of Mr. Wesley's Works to the General Assembly of the Free Church of Scotland. Why not present them by the Superintendent Preacher on the spot? or, if it were absolutely necessary to pay for far-carried respect, why not send age and experience down to the north? Nay, why not Mr. B., as a person of property, pay his own expenses? Was not the honor worth more than the expense? We find a second 12*l.* 12*s.* for the jaunt of another with the President; and notwithstanding the 50*l.* quietly pocketed by Doctor Bunting, on the motion of Mr. Scott, the sum of 80*l.* additional is placed to his account as President, which alone is sufficient to cover the expenses of other Presidents. With regard to Dr. Alder, it is offered as an apology for his extravagance, that he is called upon, in his official capacity, to mix with the aristocracy, and that, therefore, it is proper to maintain a position of dignity in his movements in society. This is very plausible. But what says the venerable Wesley?—"Hold not the faith of our common Lord, the Lord of glory—of which glory all who believe in Him partake—with respect of persons: that is honor none for merely being rich, despise none for merely being poor." And if none are to be honored merely for being rich, would the same devout expositor think that any are to be flattered and imitated, merely because they are prodigal and expensive? How admirably Doctor Alder understands and adheres to his commentator, in his Missionary excursions—travelling in first-class carriages on railways, and tarrying at the first hotels and inns, and living at first rate charges, because he is the Missionary Secretary who mingles with the aristocracy of Methodism! We think, that at the next annual meeting of the General Committee of Review for Missionary affairs, a vote of thanks should be tendered to those of the Doctor's friends who have assigned this most appropriate and potent argument in justification of the expensive course he has been so long pursuing. And should it in future be found necessary to address any of our Missionary functionaries on the necessity of curtailing their extravagant expenditure, we think that the Rev. Dr. Alder should be especially requested to prepare such an address, as it will come from him with uncommon force, and the more particularly as in the language of Dr. Bunting, in reference to Mr. Scott, he knows all "the *ins* and *outs*" of the subject.

A circular, signed by the four Missionary Secretaries, is forwarded to the preachers on the several circuits, which Mr. Jackson, the lay-agent, is appointed to visit, in order to revive the Missionary cause. In this document the following paragraph is found:—"Having thus briefly explained the object of Mr. Jackson's proposed visit, we are persuaded that you and your respected colleagues will do what you can to make it as efficient as possible; and that if there be any *friend* who can *entertain* him *during* his *stay*, *without cost* to the *FUNDS* of the *Society*, they will *gladly* receive him into their *houses*, and bid him 'God speed.'

Signed—"ROBERT ALDER," &c.

We have italicized the words to which we especially invite the attention of Dr. Alder, who prefers the INN to the house of a FRIEND, COSTLY to CHEAP travelling, and who saddles the FUNDS, rather than the FRIENDS of the SOCIETY, with his expenses. We iterate and reiterate—Consistency, whither art thou fled? We do not forget the other three Secretaries, who cost the Society far on to £500 per annum each! However, the less expense others are at there will be the more for themselves. We wish to know—

1.—Whether Doctor Alder has the sanction of the body, and especially the poor, to spend their money in this way?

2.—Whether any honour is reflected either on the sincerity or the simplicity of Methodism, in taking up an assumed character, in thus passing off for what he is not—a gentleman—at the expense of others?

We again demand, when the period of "diminished expenditure" commenced? Not to mention Dr. Alder's private closet at Leeds, it will be found that after the peal that had been rung in their ears respecting the gin shops under the "Grand Centenary Hall," and the official apology made by Mr. Hoole, on the behalf of himself, his Secretary brethren, and the Missionary Committee, the highly satisfactory work of diminished expenditure proceeds, by sending out in the "JOHN WESLEY," on her first voyage—a vessel named after the man who prohibited all "dram drinking"—a vessel built for, and to be solely employed in the, Missionary cause—sending out, we say, in this vessel, in the month of December, 1846, eight Missionaries, and shipping with them one case of gin, containing three dozen bottles—one cask of brandy, containing thirty-six gallons—one cask of rum, thirty-six gallons—fifty-five cases of wine, each case containing two dozen each—ten casks of wine, varying from ten to eighteen gallons—and

somewhere, of a local preacher, saying, "Matthew Henry states so and so, but I deny it;" and having answered by a single negative, he proceeded, "I now go on to the next head." Assertion is a cheap and convenient mode of proof. But Mr. Heald, we must not forget, was a member of the Committee he was thanking. When men are permitted to constitute their own witnesses, judges, and juries, there will be but few committals. But who dare not see that Mr. Heald did not aim at *justification*, but at *continued instatement*!

2.—Lay Agents. As to Mr. Jackson, the lay-agent, Mr. Farmer spoke to the "importance and value of his services," and "Doctor Bunting remarked, that the Church and London Missionary Societies acted upon a similar plan, and the Baptist Society was about to do the same, and that he regarded it as one of the wisest and best measures of the Committee."—"Watchman." Still no notice of the "Fly sheets" is taken, though they had evidently brought out the report in the spirit and form of a defence. But our objections remain untouched. We are of opinion, that there ought to be more of the laity, and fewer of the clergy; a point not forgotten by Mr. Fowler in the Committee. Our principal fear was, and still is, lest the Secretaries should substitute his (Mr. Jackson's) work abroad for their own, and so they keep at home; and we still urge the case, the previous circumstances of the man—the act of taking the whole family to London, and entailing on the fund £200 per annum, before the sanction of the Conference could be obtained; and the different way in which the late Mr. Dawson had been treated, who deserved much better at the hand of the same party—not being allowed to touch the Fund. We hope we are understood; and if the office is necessary, and the man is qualified for it, we shall rejoice in the addition of £50 being made to his salary. That, however, does not alter our views of his former position, nor of the march stolen on the Conference by Doctor Bunting and his party in fixing him in his present situation, and then asking permission of the Conference. What were the Doctor's feelings, and what his sayings, in connection with Mr. S. D. Waddy, for not obtaining permission of Conference—perhaps of himself—before he applied to Sir James Graham respecting the Sheffield Proprietary School? Were they not all condemnatory of the act? What makes the presumptuous dealings of Doctor Bunting the more astonishing is, the manner in which the case was smuggled through the Conference of 1845, whose sanction ought first to have been obtained; for at the Conference of 1846, when Mr. Vevers asked for the minutes of the subject, not a single entry could be found in the Conference Journal; clearly proving, that the opinion of the Conference had neither been given nor sought. No wonder there should be such a show of utility, to hide and drive from the memory the clandestine act. The President himself declared it had not passed.

3.—AN EXPERIMENT. One thing astonished the brethren, namely, the wish expressed by Doctor Bunting, not to be put on Committees, and an avowal of opinion, that he ought to withdraw from public life; taking good care to season the latter in the Conference, with the fact that the Missionary Committee had opposed his wishes. It is easy to perceive, that these sentiments, cautiously coupled as they were with other intimations, might be employed as feelers:—that a man, of his tact, might, in making them, calculate on the loudly expressed sympathies of his friends, in connexion with a pressing remonstrance against taking such a step:—and that to urge his continuance, would be a quiet, and, to himself an effectual answer to the different charges preferred against him. One of the brethren stated, if he were to retire now, the decision to which he had been brought, would be attributed

forty-seven barrels of bottled ale and porter! We can find an excuse for the wine in the *Sacrament*; but what becomes of the gin, rum, brandy, &c., and of the steward discharged for drunkenness two days before she sailed, and of taking him in again before the vessel left the port.

to the "Fly Sheets." But why think of such things, if they had not had their tendency; if they had no influence in the case? The speaker might as well have associated the Khoran of Mahomet with it, or Daniel O'Connell's attack on the Wesleyan body. And why should Dr. Bunting himself think of shying off now, rather than before the "Fly Sheets" came out, when he declared, in connection with his avowal, that he was much better than he had been for some time? Another left-handed reason, by the way, why his friends should not take him at his word, by allowing him to retire.

4.—PRESIDENCY. Leaving the point just touched, we again proceed to the President. The Buntingian party had long been beating up for votes for the re-election of Mr. Thomas Jackson, and arrived in Bristol full of hope. Percival preceding, by canvassing in the chapel-yard and elsewhere for Mr. Atherton, in opposition to Mr. Stanley, was equally deep in his "dirty work," in soliciting votes for Mr. Jackson, in opposition to Mr. Atherton. It is common, of course, for lawyers to take either side of the question, or both, should it suit their purpose. Without entering fully into the subject, we should say, that the election of the President was quite a scene. A pretty large account was given in the "Watchman," and the "Wesleyan;" but the least blinked in the latter. Just as the brethren were proceeding to vote, Doctor Bunting said that the step he was going to take was unprecedented; that it had only within a few minutes entered his mind, and respecting which he had the sanction of those around him*—that it was very desirable that, united as they were in reality, they should also keep the semblance of it before the world; and that, as it appeared a very general feeling on the part of the preachers, that a certain venerable minister (referring to Mr. Atherton) should be elected, he, and others with him, who had actually had other intentions, when they came to Bristol, should submit to the known desire of the majority, and give their votes to that venerable man. On the face of this, it is evident, 1. That Doctor Bunting and his party had fixed upon another man.† 2. That they were so completely wrapped up in the plenitude of their supposed power, owing to their plans and past success, that it was only on the eve of the election that they discovered and felt their weakness. 3. That Doctor Bunting felt the impertinence of his position when he stepped forward in the manner he did, 4. That the same gentleman only acted as he did in the Taunton case, wishing, in the midst of an overthrow, to conceal a little mortified pride. 5. That he wished to impose upon others by conveying the impression that Mr. Atherton's election was likely to be the result of his co-operation, when it was firmly believed by the opposite party that it did not really make the difference of twenty votes. Doctor Alder had one vote, Mr. Thomas Jackson twenty, and Mr. Atherton two hundred and eight. It was well remarked—aye, by a tory too—"When the Doctor found he must fall, he ought to have

* In referring to the ex-presidents and other brethren on the platform, he denominated them the Presbytery—a term, by the way, employed in the "Fly Sheets," of which he professed to know so little, but from the force of whose appeals he could not get away. We considered the Presbytery on the floor of the house, and the President, as the moderator, in the chair. He merely shifted the ground, without adverting to the source from whence he had his allusion, thus keeping up his own dignity, in maintaining the dignity of others. Equality is too near an approach to the levelling system—aristocracy is still the darling of his heart. Stop a little.

† Some of the arguments employed by the party, pro and con. were as contemptible as those which we have here exposed. "Mr. Thomas Jackson," said they, "ought to be re-elected, because he had the fag of the Centenary work, and he had the principal part of Mr. Lessey's also, his successor, to attend to." On Mr. Samuel Jackson being named, "O," said one of the tory ex-presidents, Mr. Scott, "he won't do; he has been awkward some years;" that is, gentle reader, not sufficiently supple for the party. "We cannot," said another of them, "give appearance to a man." This is as laughable as it is contemptible, and implies that Messrs. Thomas Taylor, E. Grindrod, John Scott, and others, were perfect beauties. To what will you resort to secure a successor?

fallen with dignity ; and when he found he could not keep Mr. Atherton out, he ought not to have appeared to help him, when it was apparent enough that his professed help was only a cover to his own defeat," On a motion of thanks to the ex-president, Dr. Beaumont, in supporting it, observed, among other things, that the election of the Rev. Jacob Stanley had given the greatest satisfaction not only to the Methodist Societies, who, it was notorious, had long thought his exclusion from the chair a reflection on the Conference, but also the religious public in general, who took an interest in Wesleyan matters. He also observed that he rejoiced in the choice made by the President for the present year, on the ground that the Rev. W. Atherton had never filled the office before, and expressed a hope that henceforth Presidents would be elected on this principle. This sentiment was loudly cheered by the majority ; but Doctor Bunting held the reverend gentleman a grudge for this, and sometime after, and on another subject, endeavoured to put the latter down by stating that he was not speaking to the point, but introducing irrelevant matter, as he had "most unwarrantably and unjustifiably done, in supporting the vote of thanks to the ex-president, by referring to the question of re-election," which he averred was out of season. Doctor Beaumont here came down upon his accuser with an advantage only equal to the force by which he dealt out his blows, stating, in his reply, that his remarks were neither unwarrantable nor unseasonable ; and that, if they were, Doctor Bunting, of all men in the world, should be the last to prefer such a charge, as he was notorious for taking occasions, while speaking on one subject, of forestalling the Conference on others, that he might the more readily insinuate his views and measures. This was rightly felt. Persons blind to their own defects are apt to think that others are as dark as themselves.

5.—THE HUNDRED. Among the most unexpected acts of the Conference was the election of Doctor Beaumont into the Hundred. Doctor Newton proposed Mr. Robert Young, whom we regard as the platform nomination. Against his election there could be no objection, except the contemptible reasons urged to secure it ; but while the brethren loved and respected him, they were anxious to give a further impetus to the liberal principles that were now making their appearance—accordingly, Mr. Fowler, with a touch of quiet sarcasm, adverted to the argument employed in favour of the election of Mr. Lomas the year preceding, and intimated that, as the London first circuit had, no doubt, reaped such immense advantage from the fact of its Superintendent becoming a member of the Hundred, the London second would reap the same on the event of the election of Doctor Beaumont, who had been, and still was, its Superintendent. The platform was taken by surprise, and mowed down by a single stroke with its own argument, was dumb. A buzz of approbation, combined with hearty laughter in some quarters, went through the brethren on the floor of the house : the tricksters were mortified on being beat with their own weapons, and the more so as they had reason to believe that the "Fly Sheets" had their share of influence in the measure. Mr. Crowther obtained twenty-two votes, Mr. Young fifty-nine ; and Dr. Beaumont, one hundred and fifty-seven. Dr. Bunting never forgave Mr. Fowler the whole Conference for this, embracing, and stooping to petty annoyances and taunts, whenever occasion admitted, saying, when uttering a foolish or weak thing, "You must not put that down in the book." He is horribly afraid of the press, and dreads a recollection and resurrection of his sophistry and indiscretion. But why should this vanity of an erring creature be fostered ? Why not rear up such men as beacons to warn others against pursuing the same impolitic measures ? He carried his horror of the press from the Conference into the assembly of the "Evangelical Alliance," by opposing the introduction of reporters ; and could not refrain from leaking off a little of his hostility against Dr. Beaumont, who had, on more occasions than one, triumphed over him in the Conference, by remarking that, while one speech was fraught

with reason Dr. Beaumont's in favour of Reporters, was mere declamation. Doctor Beaumont, gentle reader, had entered the Hundred, and Doctor Bunting had not forgotten it in the Hall of Concord.

6.—RETIREMENT. When the name of the governor of the Theological Institution was called over, Doctor Bunting spoke to the following effect:—"I wish to make this communication with all the sincerity with which such communications should be made. I have seriously thought, of late, that my time is come to retire into obscurity. I mentioned my views on this point to the Missionary Committee. They demur against my opinion. I do not like to do the Lord's work with diminished powers.—I speak quite apart from all consideration of certain publications, which I understand have been widely circulated. These publications I have not read, for I thought I had something better to do. But certain portions of them have been made known to me. I understand that they represent me as very tenacious of office. How to designate them I hardly know. 'Fly devils' I think they are called. I shall probably, ere long, find time to read them. But to this kind of diabolism I have no inclination to yield. They only tend to arouse my energies. They rouse the old man, or the old minister, or the old christian,—and make me unwilling to yield to this kind of compulsion. I really think that I have felt myself better during the conference, that I have been for many months previously. I am much disposed to resist the devil in this instance, and it may perhaps be your misfortune that I may (on that very account to which I have adverted) be tempted to continue longer in the work than I otherwise should."

One of the brethren, after listening to this precious morsel, observed,

"1. My opinion is, that the Doctor knows more about the 'Fly Sheets' than he is willing to have it believed. 2. That they pinch him more than he is willing to confess. 3. That he will read them ere long, and we shall have them up again." In this last instance, the brother was deceived: the Doctor knew too well the danger of visiting such a hornet's nest. One of the tory party, convinced of the truth of the facts, observed, "the less that is said the better." First, it is a fact, attested by a member, that they were never once named in any of the sittings of the Book-Committee in London. Secondly, that no formal defence was attempted in Conference—nothing beyond what was here stated, though a fine opportunity was afforded for the same, by a resolution in the Minutes of the Northampton District, said to be condemnatory of the "Fly Sheets," but which, if there, was cautiously requested to be kept back. As the above does not comprise a single sentence in the shape of answer, we have a right to pronounce—that the Dictator and his participants have permitted judgment to go by default, and by their silence, have sealed their own condemnation. But let us analyze the several parts of this oration.

(1.) *The Doctor, of late, had seriously thought that his time had come to retire into obscurity.* We should be glad to know what led him to think so? Did it originate in a deep sense of his diminished powers, rendering him incapable of doing the work of the Lord as he had done it, or as it ought to be done? If diminished at all, and so diminished, as to incapacitate him in some measure for it, then why should he consult any one on the subject, with such an impression on his heart, with such a conviction in his mind? Ought he not, as an honest man before God, whose work it is, to act up to his convictions? And can he, with his convictions, consistently remain in the work, though the Missionary Committee and his friends profess to demur? Nay, can he hope to be accepted of the Lord, when he is induced to remain in the work from such motives—sheerly out of spite to "Fly Sheets," or to allow him his more elegant and good tempered phraseology—out of spite to "Fly Devils?" Soothingly sweet are such motives for a work so divine!

(2.) *He did not like to do the work of the Lord with diminished powers.* Then, why attempt it for the last fifteen years, when conscious that he had neither mind nor resolution to submit to the fag of making those preparations

for the pulpit which are requisite to secure acceptance and increasing respect for his public ministrations?

(3.) *He spoke quite apart from all consideration of certain publications.* We would enquire here again, to preserve the change of thought, when he first perceived the diminution of his powers? Was it before he heard of the "Fly Sheets?" If so, how came it to pass—with so much conscience, so much integrity, it did not happen to slip out on some pressing occasion? But to this we have already adverted.

(4.) *He had not read these publications.* What! no part of them?—They had been partially represented to him. So, then, he had heard of them. But if he had not read them himself, had they not been *read to him*? A blind man can become as familiar with an article through the reading of another, as if he had been blessed with the faculty of sight, and read it himself. The fox is caught at last. Admitting that they had been but partially represented to him, how could he designate them "Fly Devils?" Did not that designation arise from his loss of temper? But why so out of temper, if they say nothing that is true about him? He cannot resort to the deceptions cant, "I should not have minded it if it had been true." "Be thankful," said Bradburn, when exposing such attempts at imposition, "that it is not true; for if it had, you might have been hanged." Truth is the pinching point; and the Doctor could not conceal his chagrin, when it was brought home.

(5.) *They represented him as tenacious of office.* And is he not? If he had not, would he have allowed himself to fill the Presidential chair four times, when others, equally capable of filling it, and considerably his seniors, had not been in it once? Would he have allowed himself to continue President of the Theological Institution for eleven years in succession? Or would he have continued Secretary to the Missionary Society for a period of eighteen years, and the last thirteen of them successively? Let him break away from the imputation if he can.

(6.) *Fly Devils—and this kind of Diabolism.* Why speak of productions thus, if he had not read them nor heard them read, nor had them fully represented to him? Was this to put the best construction upon them that they could bear? But more; if not familiar with the whole, what competency could there be to judge of them? His knowledge, however, even in detail unwitting slipped out now and then, in spite of concealment; for when Mr. Fowler was speaking, he would say, by way of silencing him, and throwing discredit on a process of reasoning he was not disposed to meet, "O, these are arguments employed in the 'Fly Sheets.'" How did he know that, in his happy ignorance?

(7.) *He thought he had something better to do than to read them.* We are glad to find that he is improving, and hope that he has something better to do than attend the House of Commons, and sit and read newspapers when he should be reading his Bible, and attending to the duties of his offices. But why not read them, and shew up their fallacy? Truly, because the one is easy, and the other is not. Allowing him to have something better to do than to read them, we wish to know where the difference lies, between wasting time in the reading of them, and spending the same amount of time in speaking of them? But why, we again ask, was he rather disposed to speak of them, than to read them? Was it not, that the reading of them gave him pain? inasmuch as he was led by that, to behold his natural face as in a glass; while the speaking of them gave him pleasure, and enabled him to spit out his venom against the authors, and to spread his saliva over his auditors?

(8.) *They rouse his energies.* What energies? Not those of the oldest and best, induced by Christianity. What, then? The energies of an old, wise, kind-hearted, good minister of Christ? Would that this were so apparent and prominent, as to render it difficult to put any other construction

upon it consistent with charity and truth! But they roused the energies of "the old man"—that man which the Doctor had in him before he knew anything of the "new man." This alliance, on the supposition of its being merely temporary, might well induce him to froth and foam about "Fly Devils." The "old man," and the "old serpent," have a co-partnership established between them; they move on in equipage: the presence of the one implies the presence of the other: "Fly Devils" were welcomed to the abode of "the old man." The "old man" withn! and out pop the "Fly Devils" to establish the fact of his presence! Henceforth "Fly Sheets" are to be designated "FLY DEVILS," at the instance of Doctor Bunting, while he himself, on his own shewing, is to be characterized as the "OLD MAN!" Which of the two looks best? and which of the two will stick the longest? Both are named by the same person, and on the same occasion! We are only sorry that the person, who knows himself best, should have so little to say in his own favour. The Old Man?

(9.) *He might be tempted to continue longer in the work than otherwise he should do.* So, in this instance, the Doctor will resist the Devil by yielding to his temptation! This is a way of resisting the Devil of which every sinner will be glad to hear! Does the learned Doctor, as a divine, preach such doctrine in the pulpit? or is it "the old man," in his dotage, speaking thus only among his friends in social life?

Strange feelings come over the Buntingian party. Even Doctor Newton, with all his Herculean energies, expressed an opinion that it was time for himself to retire from public office. Some of the brethren deemed this also a kind of clap-trap to court pressure from without, for his continuance; and thus to throw it on the wish of the majority of the brethren.

7.—REVIVALS. Doctor Bunting among other acts, moved the recall of Mr. Caughey, the American revivalist; anxious to be understood, at the same time, that he was a friend to revivals; and stating that he originally belonged to the Band-Room revivalists in Manchester, but, from some cause or other, had left them. Without entering upon the question in its distinct character, we cannot refrain from a few observations on the measure, in connexion with the reverend mover himself, and the state of the body at large. He professed to be friendly to revivals, then—

(1.) Why has he done so little in the way of preaching, meeting the societies, and holding prayer meetings, for a series of years, to promote them?

(2.) Why did he not present an example of willingness to labour, by preaching before the last Conference, according to appointment? Was he ashamed of preaching before the public, after the appearance of the "Fly Sheets?" Was he without a new sermon, and destitute of sufficient ardour to push off an old one? Had the spirit of preaching fled, owing to a dislike to the work, generated by secularization? Or was he out of health? The latter could not be the case, for he had declared, on giving an indirect hint respecting his continued competency for office, that he had not been so well for some months, during which period he had actually preached. Are we, then, to resolve it into a want of the spirit of the work? With what propriety, then, can he, by holding the office of President, stand at the head of the other officers and candidates of the Theological Institution? With what propriety can he, as Missionary Secretary, exhort Missionaries to enter the foreign work in the spirit of the apostles of Jesus Christ, when his own spirit and practice are adverse to pulpit efforts?

(3.) Why talk about the danger of slighting the ordinary means, when he himself is comparatively a stranger to their use? The Church prayers, the sacrament, and a sermon read from the pulpit, were the ordinary means, when Mr. Wesley commenced his career. In the place of these, extempore prayer

and preaching, prayer-meetings, band-meetings, society-meetings, &c., were adopted. These extraordinary means are now the ordinary means of Methodism, advocated, and denominated such by Doctor Bunting. The Quakers have their ordinary means; the Baptists, the Independents, &c., have theirs; but their ordinary means are not deemed sufficiently correct and effective for Wesleyans. This is harmless, providing Doctor Bunting think so. Now, the American revivalist comes down upon the ordinary means of old Methodism, as John Wesley comes down upon the ordinary means of the Established Church. Where is the harm? No other means have been employed by Mr. Caughey than the ordinary means of faith, prayer, and the word of God. He offers no new gospel: he worships no new Deity; he proposes no new Saviour; he talks of no other Spirit. The means are the same; but there is a difference in the manner of applying them. The instrument is the same—only there is a difference in the handling: the ordinary means are rendered more effective by a new application of them to the head and the heart: and it would be well, if secularization—as shewn in the second edition of No. 1, had not unfitted the complainants for the work, even in the use of the ordinary means.

(4.) It was moved that Mr. Caughey's Bishop should be requested to recall him, and that in the midst of serious lamentations over the small addition made to the society in the course of the year; though the circuits in which he had laboured, were those in which the increase generally appeared. The total number of members in Great Britain was 341,458; being an increase of only 690. In Ireland, it was found there had been a decrease of 380; on the mission stations, an increase of 441; leaving a total increase of 751. Why there was more need of an importation of such men as Mr. Caughey, than of his recall. We had both ordinary men, and ordinary means, and yet little had been done; and in the midst of that little, our extraordinary men, had been locked up from the work in their separate locations. What makes Doctor Bunting's conduct in the case the more objectionable is, that when he suggested the recall of Mr. Caughey, he never once proposed that the resolution should be accompanied with a testimonial in favour of his excellent character, and extensive usefulness; but when he was arguing against the expulsion of his favourite Mr. P. C. Turner, who had injured the work, and disgraced the body, not only were former character and usefulness urged in mitigation of the evil, but advanced as a reason why he should still be preserved in the body. We notice these things with a view to show how unfit such a man is, even in point of religious feeling, to be looked up to, and submitted to, as the prime leader of the Wesleyan body. If the Church is to be saved, the pope must fall: if the reformation is to go on, Wolsey must be removed out of the way. We make these remarks apart from the novel position in which Mr. Caughey stood to the English Conference, and the right of the Conference to look at the case, and decide upon it. But itinerant labourers were the men who shone the brightest during the discussion, whether for or against his recall—not locators, like Doctor Bunting.

Poor Caughey was sadly aspersed in his motives by Doctor Newton, who had collected in his rounds, in his usual way, everything he had heard against him; charging him especially with mercenary motives and propensities. This, as we have observed elsewhere, was not handsome, when his own gains for the last forty years are taken into consideration; nor was it fair to tax Caughey with imaginary gains, without naming Doctor Bunting's real thousands, to say nothing of his "pickings" during the Missionary Secretaryship; or even of his (Doctor Newton's) own favours and honey-falls, at Huddersfield and elsewhere.*

* When Mr. Caughey requested an interview with Dr. Newton, at Scarbro', in September last, at the time of the Missionary Meeting, the latter, after one of his bland greetings, was soon reduced to an unenviable and humiliating position, on being asked for the authorities of the statements to which he had given currency. On acknowledging them to be "hear-

1. That Doctor Newton has been Mr. Caughey's greatest opponent. 2. That one of his objections has been the UNNATURAL POSITION of Mr. Caughey in the body. 3. That his hostility to the excellent man is the less excusable, as up to the Conference of Mr. Caughey's recall, the latter had neither visited the Irwell Circuit, of which the Doctor was superintendent, nor the Manchester District, of which he was chairman. 4. That the Doctor, in order to carry on his feeling of hostility, has allowed of measures which himself and his party condemned in another case: thus, when Mr. Bromley left his own District at York, and appeared in that of Manchester, as the friend of Doctor Warren, his appearance there was condemned as unconstitutional; See "Letter to the Rev. Robert Newton, Oxford Road, Manchester. By James Bromley;" and yet, the said Doctor Newton allowed some of the members of the Sheffield District Committee, to appear in his District at Manchester, to carry a resolution against Mr. Caughey there, which they failed in two days before at Sheffield, (See "A Brief Memoir of the Labours, &c. of the Rev. James Caughey. By a Wesleyan Methodist," p. 22—24.) a matter for which he ought to be impeached at the next Conference; nor will the brethren do their duty to allow it to pass in silence. On the subject of Mr. Caughey's UNNATURAL POSITION—

LOOK ON THIS PICTURE.

The Rev. JAMES CAUGHEY.

1. Mr. Caughey is "irregular."

2. "Caughey is under no ecclesiastical control:" so say his opponents, the proper answer to which is—It is not true; for he is under the control of every Superintendent, whose circuit he is invited to visit.

AND LOOK ON THAT.

The Rev. DOCTOR NEWTON.

1. Doctor Newton has no claim to the title of a regular,—the Connexion being at the expense of keeping a man to do his regular work, by preaching for him, renewing tickets, meeting bands, attending prayer-meetings, catechising children, &c., six days out of seven.

2. Doctor Newton lives at large, (with the exception of fifty-two Sundays,) three hundred and thirteen days in the year; during which neither Mr. Stephenson nor Mr. Vevers before him, can exercise any special control over him as superintendents.

say" authorities, he, after receiving correct statements of some of his exaggerated tales, and a flat denial of others, was asked, why he was so ready to admit and circulate everything against him (Mr. C.) without advancing a single tittle of a redeeming character in his favour—why he took such charges for granted, without being at the pains of examining into their truth—and how he himself would feel, if he (Mr. Caughey) were to give currency to every report he had heard respecting himself? stating, at the same time, that he could not, in conscience, treat any man in that way, and that character was too sacred a thing to be thus trifled with, inasmuch as it involved in it truth, usefulness, brotherly love, and everything dear to man. The reverend Doctor left the room a much less man than he entered. And yet, after he had done all he could to injure the character and usefulness of this excellent man, in raking up unfounded tales, and giving further currency to them, and when a retaliating Providence began to shew itself, in the shape of anonymous and other letters, in a diminished number of invitations, in smaller collections, thinner congregations, in the rejection of his services in different quarters, and in being more frequently found at home than he was wont to be, he laboured to excite a general sympathy by his tale of woe, designating it a species of persecution, stating that it was worse than all the opprobrium heaped upon him during the Warrenite struggle, and that this was the reward he received for spending one of the best constitutions God ever gave to man, in the Connexion. He did not state how well that constitution had been supported, and how well he had been paid for his services. Suffering will be a fine argument in support of future honours.

3.—“Mr. Caughey’s irregular labours produce a bad influence on the Connexion. Such again is the language of his impugnors: and yet nothing has ever been seen in his spirit to do harm.—nothing has ever been heard from him which marks him out as a retailer of slander.

4.—“Mr. Caughey is making a very good thing of his labours in a pecuniary sense.” Another blast from the trumpet of “uncertain sound,” while it is denied by those who know him best;—it is known too that he has received what would keep a single man during the six years of his sojourn: and it must be admitted that he has as good a right to the profit of his books as Mr. Cubitt, or any other brother who may have given his works to the world.

5.—“Mr. Caughey has no claims upon the body of an extraordinary character, to admit of the privileges he enjoys.

3. Doctor Newton, with all his blandness, has been carried away by his own spirit, and has retailed every scrap of slander he could pick up against the American revivalist—not hesitating to publish those slanders in an assembly of Christian ministers.

4. Doctor Newton, who charges Mr. Caughey with making a gain of godliness, and has compelled others to retort, will admit, that it is not quite gentlemanly to peep into every private concern belonging to another person: at least he will not designate those gentlemen, who should ask, if, in any one year, during the last thirty or forty years, he has not cleared a very handsome sum? for, notwithstanding the over and above presents received—the highest quarterly allowances—the best standing board wages—houses in the most genteel and airy situations—the choicest wines and dishes through the week, in the houses of the first families in the Connexion; the friends—and we have had the means of observing, are not in the habit of paying him according to his usual mode of travelling and victualling, in third and fourth class carriages, in second class refreshment rooms, or a sandwich out of the pocket. O no, there are many steps between the out and the inside of a coach, between first class and government class carriages, and much may be saved between the two, as well as allowing a little above the highest prices.

5. “Doctor Newton is man of extraordinary talents.” So, doubtless, in many respects, is Mr. Caughey. If irregularities can be justified by extraordinary endowments, then weighed in a fair balance, the Doctor it is feared, would be found wanting. It will be allowed, as to physical endowments,—voice—person, &c., his qualifications are of a high order. But in Caughey there is a power even in eloquence, at times, which Doctor Newton never reached. In point of literary stores, the American seems to be absolutely exhaustless.

6.—“Mr. Caughey has done more harm than good.” This is mere assertion.

7.—“Mr. Caughey will have imitators, and his example will be followed by a host of others.”

8.—“Mr. Caughey does nothing of the work of a minister, besides the preaching part.”

9.—“Mr. Caughey’s example is held up to the disparagement of other ministers.” But this is not his fault. It is an incidental result. It is merely saying that he can do what others cannot do.

10. Mr. Caughey has been much more made of as to his wonderful powers, than truth will warrant.”

11. “Caughey belongs to America, and is found on English ground.”

In this instance, there is all the difference between a pauper and a prince.

6. “Doctor Newton has been a very useful man.” Can, it is demanded, his usefulness admit a comparison with that of a man, who, in the space of six years, agreeably to well attested statistics, numbers, to say the least, ten thousand seals to his ministry?

7. Doctor Newton’s example in originating the curate system, is likely to be followed by a host of others: it is so followed already, and is attended with expense, and will lead to idleness and self-indulgence.

8. Doctor Newton is little more than a preacher, and preaches less frequently than Mr. Caughey, when the latter is allowed latitude sufficient. What pastoral work does Doctor Newton attend to? what Connexional subscriptions does he gather? what classes does he meet?

9. Doctor Newton’s Herculean toil in travel is employed as an argument why others should run about the country and neglect the work of the circuit, we should like to see the argument employed on the metropolitan Locators. As it is, his constant employment leads others to say the same thing of him, as of Mr. Caughey, and with less truth.

10. Doctor Newton will support the parallel of overstrained eulogy; having had rather more than his full share of admiration. There has been no interdict to impose silence on the “Watchman” in his case, as in the case of Mr. Caughey—though the latter has attracted a share of public attention unparalleled in the English history of Doctor Newton.

11. Doctor Newton is an Englishman, and was found on American ground not long ago—one of the thread-bear themes on the Missionary platform, and at public tea-parties and if he was sent out by the English Conference, the rules of the American Conference admitted of Mr.

Caughey's visit to England : added to which, the latter had an inward, special call, to visit the country which has been amply sustained by the result of his labours. No such call has been pleaded in the Mission of Doctor Newton, no such result from his visit has appeared.

We have stated that Doctor Newton ought to be impeached for allowing men from another District to enter his in order to move and carry Resolutions they could not pass through their own. But we have no hope of this, for the clique never impeach each other : nor do they allow others to impeach them. They have a singular mode of settling such matters, by covering the whole over with a coat of "whitewash." When Doctor Bunting was found in a mess at Liverpool, on the Slave Question, dancing attendance to Lord Sandon, his supporters contrived to carry a vote in the Conference in his favour, expressive of sympathy and confidence, and get it inserted in the published Minutes : and it is not at all improbable, that in consequence of a quiet hint from himself, his minions may be induced to get up a similar Resolution of sympathy and confidence at Conference, as another coat of "white-wash," in reference to the "Fly, Sheets," as the most ready way of answering them, and giving them the go by : but a stone sufficiently large, to prevent the old "fox" (we employ a scriptural expression) from returning to his hole, would be—**"Are those who move, second, and support the Resolution, prepared to prove—"** That the statements in the 'Fly Sheets' are ALL FALSE? ..As to Doctor Newton, we are prepared to shew—and this aggravates his case, that there was a good understanding between the two District Committees of Manchester and Sheffield, on the subject of Mr. Caughey, the latter having terminated its sittings on the Thursday and the former prolonging its business till Saturday, allowing ample time for the "Sheffield blades," to pass from the one to the other, to accomplish their purposes. But more of such matters in our succeeding Numbers, and especially in the BUNTINGIAN DYNASTY.

One of the brethren proposed a resolution relative to Mr. Caughey, but not proceeding from the infallible Dictator, he objected to the wording of it, and intimated, in his wisdom, that he himself would prepare one. Accordingly he moved that a letter should be written to his Bishop—Bishop Heading, to recall him. One of the American Ministers who was at the "Evangelical Alliance," in London, laughed at the folly of the Wesleyan Conference, for moving for the recall of a located man ; but what was still more laughable, the brethren who sided with the two learned Doctors—Bunting and Newton, opposed Mr. Caughey's movements, because he was under no Ecclesiastical control ; and yet Doctor Bunting moved that his Bishop should be written to, in order to recall him : thus implying the very authority which he had previously denied, and which he had conjured up as an occasion against him ! Why write to his Bishop, if under no Ecclesiastical control ? Methodism has been long enough ruled by this Infallible Head.

With all the garnish Doctor Bunting laboured to throw over his conduct in this affair, it is impossible to acquit him of bad feeling towards the American revivalist. At the previous Conference, he had the profanity to act the harlequin on the Conference platform, by placing Mr. Caughey in such a devotional attitude, as best to suit his own purpose, and burlesque the man,—standing, with his hands raised, and his eyes turned upward, before the brethren—putting words into the mouth of Mr. Caughey, in his supposed devotions, and asking, "Lord, must I go back to America ?" No answer. "Lord must I go back to America ?" No answer yet. "Lord, must I go back to America ?" Still, no

answer. "Then, I must remain in England a little longer." Thus, not only making a mock of prayer and its answers, but insinuating that the man was either an enthusiast, or a hypocrite, or both. In this he defeated his own design, as the means employed, were revolting to the best religious feelings of his brethren. What would he himself have said, if, on Messrs. Lord, Marsden, Hannah, Reece, or Newton, being impressed with the propriety of remaining longer in America than their intended stay, they had been thus burlesqued and aped by one of the Bishops or Doctors.*

8.—**TRAITORS.** With a view to make a deeper impression, Doctor Bunting raised the cry of "Traitors in the camp," on noticing the information communicated in the 'Fly Sheets;' a cry which he raised in the case of the "Christian Advocate," and the "Patriot," when they communicated some undesirable intelligence to the public. But we ask, so far as it concerns ourselves, in the present case,

(1) Whether the cry does not imply something like fear and an attempt at deception on the part of him that raises it? Why attempt concealment, if all were right and straightforward? Truth and honesty have nothing to fear; and above all, they have nothing to fear on being let out before honest, simple-hearted men. When persons are in the habit of saying and doing that which will not meet with general acceptance, they are anxious to conceal it, and the more so, as those things are abhorrent to general feeling. But where is the treachery found lurking under these circumstances? We ask,

(2.) Whether it is not to be conjectured that preachers are engaged in the composition of the "Fly Sheets?" If so, they belong to the camp—are as truly members of the Conference—and are as much entitled to know, improve, and talk about the affairs of the Connexion as Doctor Bunting himself; and the treachery does not rest with those, who, by dint of hard labour, have been able to filch out a little of the information that belongs to them, but to those who dishonestly and ungenerously try to keep back, and so defraud them of their right. We ask,

(3.) Whether, when things are said in the Conference, they are to die there? Are not the preachers who hear them to be influenced by them, to act upon them, not separately and alone, but in concert? Is no permanent impression to be made by them? Is profound silence to be maintained the moment the threshold of the Conference is passed? Is that which is spoken all right within, and wrong without? We ask,

(4.) Whether, when a thing is confined to preachers—seen and read by them—that thing is not as much in the camp, with the preachers out of doors, as within the house? They constitute the camp wherever they are; and what is confined to them, when parading in the camp-field, as when in their tents. It may, indeed, be said, that the privates are not to be made acquainted with all that passes in the tent of the General. True, but it is to this kind of generalship we object, when brought into the Church of God, where all the preachers are officers and equals, and ought to be treated as honest, trust-worthy men. There are many brethren not allowed to go to Conference, and others who decline to go. Are not these as much entitled to know what is done and said, as the brethren present? To these, as well as to others, we communicate of our abundance. But, agreeably to Doctor Bunting's doctrine, a good or a bad thing spoken in Conference, becomes a species of high treason the moment it crosses the threshold of the house: it is neither to be known nor animadverted upon by the timid, who are afraid to speak in Conference, or the absentee who is placed in circumstances to preclude his going. We ask,

* What stamps the whole proceeding with the deeper baseness, is, that the allegation of Mr. Caughey having ever made such an appeal to heaven was totally false.

(5.) Whether we are not upon an equality with the generality of the brethren, who, at the close of each sitting of Conference, are in the habit of rehearsing and discussing in the rooms, and at the tables of their friends, the different topics brought before the Conference? They let the laity into the arcanum of Conference matters; we confine ourselves to preachers; and so avoid a betrayal of trust—holding communion with the members of the house only. Doctor Bunting may not do this; he is not honest enough; his object is to hoodwink, and withhold from the brethren their rights. We ask,

(6.) Whether we have not exposed various evils that have existed long, and still exist? And we demand the reason of their being allowed. There must be a defect somewhere; and what has not been cured within, must be cured from without. Are members of the Conference (supposing them to be the writers of these "Fly Sheets") to be charged with treachery for talking Confidential matters over among themselves upon paper? no more than members of the House of Commons, or any of their constituents, are chargeable with treason for attempting to correct the errors of the State by calling public attention to them. We ask,

(7.) Whether the deeper treachery does not lie at the door of Dr. Bunting and his party, who resort to trick and to closed doors? We are for day-light—for things done openly in the face of the brethren—men who are neither knaves nor fools, but who are, nevertheless, subject to the charge of both by the plans of Doctor Bunting. We are anxious that all should be allowed to participate in the same privileges. With Doctor Bunting, things the least objectionable are only to be brought to light; all else is to be transacted in secret. Which of the parties bear the strongest marks of traitor? The men who court the light, or the men who hate it? We ask,

(8.) Whether Doctor Bunting, of all men, has not the least right to talk about traitors?—a man who has been labouring for years to betray the Connection, by means of the "Watchman," into the hands of a state church and tory faction, in opposition to the general views and feelings of the people;—a man who, on £215,000 being contributed on the occasion of the centenary, could without the sanction of the subscribers advise and justify the appropriation of £10,000 for a few rooms to squat himself down in in Bishopgate street;—a man who could coolly allow £800 to be taken out of the Centenary Fund, unknown to the subscribers, to support the "Watchman,"—a speculation of his private friends and benefactors;—a man who can sit in committees and damage the character of better men than himself, by his insinuations;—a man who, in fact, has betrayed his brethren by taking their liberties and privileges into his own hands,—bestowing them when, where, and upon whom he pleases. And this man, forsooth, will come out from the scenes, where he has been playing off his slight of hand tricks, and charge the innocent spectators with being traitors! Vexed to the core, because he has been detected and exposed.

(9.) We should be glad to know from whence the mis-understanding between the President and the Superintendents of different circuits has arisen, during the interim of Conference, respecting the employment of Mr. Caughey;—the former affirming it to be contrary to the decision of the Conference—without deigning to quote the law, and the latter declaring their utter ignorance of any law having passed, containing such a prohibition? If any such resolution passed on that special point, why was it not clearly defined and promulgated? Secret legislation will serve the purpose of men who are afraid to publish the laws they enact—who do not wish things to be carried out of Conference—and who wish to employ their secret measures, as spring-guns and men traps, to catch the unwary, who may not be exactly to their mind, and who expect, in their unsuspecting innocence, that they are treading on solid ground. We may be told, that a resolution was passed, expressive of a wish for Mr. C. to be recalled by his Bishop; and that the President, after the resolution was passed, stated, that if any Su-

perintendent should employ him, he should be called before the bar of Conference. But this latter portion constituted no part of the resolution; and we are to be governed by law, not by opinion. The opinion of a President is entitled to respect, when sound and proper; but not to obedience; obedience belongs to the law. The Conference has been too long under the government of opinion. The *ipse dixit* of Doctor Bunting has been too often substituted for law. Those who insist upon such a law being enacted against the employment of Mr. Caughey, must be able to state, when interrogated, at what stage of the Conference sittings it passed—who was the mover, who was the seconder, and who the supporters—by what kind of majority it was carried—and where it is to be found, whether in the published Minutes, or Conference Journal; and if in the latter, whether it is there to be seen, by the parties arraigned, without interlineations, alterations, note, or comment? If men are to be governed, let the laws be promulgated by which their conduct is to be regulated; and if they are to be tried and condemned, let it be according to law. Men are not to be tried by opinion; for if so, where is the safety of the impugnors and opposers of Mr. Caughey? Some of these, it is to be feared, would have to ascend the scaffold first,—No; let the brethren *out* of the Conference, know what is done *in* it; and how it is done.

10.—COMMITTEES. It was found that the Book-Committee had neglected to prepare a form for the solemnization of marriage in our chapels. Doctor Bunting stated that they had not time; on which Mr. Osborne said the London Committees had too much to do, and asked why they could not thus be trusted with a Committee in the country? Doctor Bunting here took the alarm, lest any of the appendages of power and state should be removed from his presence; while Scott said, that in London they could get the best legal advice! This was a deep fetch. But what was legal advice to do with many of the other Committees? Why should work be delayed when other hands are ready to do it as well as able? If there is not equal legal advice to be obtained in the country with the city, still two or three Queen's heads would settle the difference.

Though we have already noticed the packing of Committees, a word or two more may be said on the subject, with a view to preserve a lively recollection of it in the minds of the brethren. Take the present Methodist year of 1846.

We have no law prohibiting Supernumeraries being members of our Committees of Privileges, Missions, Schools, Book-Affairs, and other Connexional ones. Our usage, however, has been to leave them off, when there was no prospect of their returning to the regular work again. But of late it has been the policy of those who have grasped at power among us, to retain some of the Supernumerary brethren, who have been favourable to their measures on most of our Connexional Committees, to the total exclusion of the rest. This we cannot but consider to be a piece of fulsome flattery, not to say partiality, to the few, as well as glaring injustice to the great body of the Supernumeraries. We can see some reason in paying this honour to Mr. Reece, who has been longer in the work than any other man among us; but we should have thought more favourably of the judgment and prudence of Mr. Reece, had he left the work as soon as he became incapable of performing it, and refused the honour offered to him until the like honour should be paid to such of his Supernumerary brethren as were capable of serving the Connexion, by being placed on its Committees. Was the like honour paid to Mr. Henry Moore, who was his senior by 8 years?—Or to Mr. Highfield, his senior by two years?—Or to Messrs. Reynolds the first, and Joseph Sutcliffe, his seniors by one year? O, no! And what reason can there be for retaining Mr. George Marsden on nearly all our Committees since he became a Supernumerary, while Messrs. J. Kershaw and Wm. Sheldermine, his seniors by two years, and Mr. Robert Smith, his senior by one year, are on none? And why should Mr. France be kept on any of our Com-

mittees, while Messrs. Burdsall, F. Collier, Isaac Turton, and some others, his seniors, and Messrs. Blacket, Everett,* Bicknell, and some others, but little his juniors, are on none?

Is it said that Messrs. Reece and Marsden have filled the Presidential Chair? So had Henry Moore. Or is it said, that they were our representatives to the American Conference? And was not that itself sufficient honour for the service they rendered to the body? Or is it said, that they have served the Connexion with acceptance, fidelity, and efficiency? And have not those already named, and many other of the Supernumeraries, served the Connexion with equal fidelity, acceptance, and effect? We say yes, and fear no contradiction in saying so, from candid and impartial men. We therefore think it preposterous, to use the softest language, that Mr. Marsden should be on the Missionary Deputation, and on eight Committees, Mr. Reece on seven Committees, and Mr. France on two, while so many of their brethren, some of whom are their seniors, and some of whom are quite as competent, and some more so, to serve the Connexion as efficiently as they. This favouritism on the part of those who have been elevated to office by favouritism, neither shows love for the welfare of the body, nor yet for the brethren at large. Messrs. Reece and Marsden are two of the very men that have been employed in the work of packing Committees, for years; and being acquainted with the trade and the secrets, they are retained. It does not suit the purpose of the inventor of the scheme to enlarge the boundaries of the ring, by the admission of untried men. Unless the Nomination Committee be dissolved, the packing system of favouritism will still go on.

10.—GOVERNOR OF RICHMOND INSTITUTION. Mr. W. Stamp was proposed agreeably to the pre-concerted plans of the London clique; having been talked of, and himself been written to on the subject, soon after the suspension of Mr. Turner. Two more amiable and better qualified persons could not scarcely be found to fill the situation, than these: not a breath, therefore, or a feeling of the heart, rises against them personally. If the office is necessary, they are the persons to fill it. But we object to it, first, as unnecessary. Mr. Farrar, the Classical Tutor, was able to fill the office cheerfully—without interfering with his other duties—and did so to the delight of all the inmates, during the whole twelve months of Mr. Turner's suspension: so that, to this may be added, as in several cases of Mr. Wesley's "Primitive Physic"—"TRIED." Secondly, we object to it, as a part of the pre-concerted plans of the party who are grasping at power, and wishing to have the appointment of every man to office in their own hand. Thirdly, we object to it, because it can scarcely be deemed a Conference act, not one-third of the brethren present voting for it. Fourthly, we object to it because it removes efficient men from the regular work, at a time when there is a more than usual

* We are not surprised at the treatment of this gentleman. Twenty-six years ago, when Mr. Everett was in London, the venerable Walter Griffith observed, in our hearing, that Mr. Bunting remarked to him, while Editor of the Magazine, "I do not know what to make of Mr. Everett, for he seems to have no confidence in me." Mr. E. has too shrewd an insight into character to misplace his confidence, and too much independence to become the tool of any man. But what a confession! When Mr. E. was told this, he laughed and said—"He is to pity, if that pains him: when Haman found that Mordecai would neither uncover the head nor bow the knee, he should have passed him by in silence, and not have exposed himself to the remarks of others. In my own case, I have a solid base for the superstructure of my friendship to rest upon; and being a free man, I will not allow myself to be lent out as a ladder for any man to mount by, who, the next minute after he has gained his point, may spurn it with his foot." This, to us, is the key to the secret, why, since then, Mr. E. has not contributed to the pages of the Magazine, and why he has been treated so scurvily by its Editors and Book-steward, whom he knows to be at the beck of Doctor Bunting. But he has a literary existence of his own, of which they cannot deprive him.

deficiency of labourers both in the home and foreign field. **MESSEURS. Doctor** Beaumont, Fowler, and Vevers, opposed it. Doctor Beaumont, from the experience of the year, as in the case of Mr. Farrar, suggested the propriety of connecting literary office with domestic oversight. Another of the brethren proposed Mr. Fish, as he had been somewhat indisposed, and it would relieve him from the severe work of a circuit. But as Mr. Fish was not quite the man of the party, Doctor Bunting, who of course had not *read* them, and was therefore ignorant of them, answered all the arguments of his opponents by one full sweep, by stating that they were the arguments employed in the "Fly Sheets;" insinuating that those who employed the one must have had something to do with the other. Mr. T. Jackson declared that no invalid—referring to Mr. Fish's state of health—was fit for the office. Here Doctor Bunting again rallied, and came to the aid of the Theological Tutor, by stating that, though he respected age, &c., yet it was not always proper to choose the oldest officer in the army, or the oldest surgeon in an hospital, in dangerous and difficult cases. He thus got quit of all his arguments, to which previous allusion has been made, in favour of inducting the aged Entwistle into the same office, and the invalid Bowers, neither of whom was fit for the regular work of a circuit. And yet in the teeth of these sayings and doings, Henry Fish the invalid, unfit for his office, stands on the Minutes as Superintendent of a circuit, and—for the first time, chairman of a District, without the least notice of unfitness for either of these situations! and W. Stamp, an effective man, is sent to superintend the soup-kitchen and ask a blessing upon the food; the President, meanwhile, being driven to the necessity of inviting, by letters patent, Supernumeraries into the regular work. Even Doctor Bunting could, two successive Conferences, ask, as we have already observed, why Mr. Everett, a partial invalid, was not again pressed into the regular work. Why did he not offer himself for it, after years of comparative ease? Or, as indolence is one of his constitutional besetments, which it is his duty to overcome, why not name his colleagues?

11.—PASTORAL VISITATION. This has been the subject of a PRIZE ESSAY. It was largely descanted upon in the Financial Committee, held in London, in the course of last spring. It was again the subject of conversation at the close of the last Conference, in which Doctor Bunting took a prominent share, as on other occasions, when introduced. Now, we wish to know what he has done the last twenty years, in the way of pastoral visitation? Nay, what he ever did in this way? or what the leading men of his party have done in this way! To say nothing of weekly visitations, even the quarterly visitation of the classes is found too heavy for the seculars. Take a case, which will fit elsewhere. Mr. Beecham being informed, (we have time and place,) after preaching, when in the immediate vicinage of London, that, according to appointment, he would be expected to meet a small class in the afternoon, somewhat murmuringly excused himself, saying, that he was expected to dine at Squire ——'s, about a mile from the chapel; and that it would therefore be very inconvenient to return all that way to meet a class; and that he conceived moreover, that the duty of giving tickets ought not to be imposed upon him, considering the character and weight of his work during the week!! The squire's phaeton was sent to convey him to the dinner table, and the above was the only service he had for the day. When a man is too high to meet the children of God, it is time he was taught better. It will be found, on examination, that the most talk about pastoral visitation, has been with those to whom it has been most irksome, and who have done least in it—Doctor Bunting and his party. These are the gentlemen who are to sit and enact laws, which they have the effrontery to urge others to *keep*, without touching them even with their little finger. Doctor Bunting is appointed one of the Committee to

prepare a plan for Pastoral Visitation for the consideration of next Conference. Minutes, 1846, p. 152. A very proper person! and it is hoped, that he will embody his own experience and practice in the suggestions he may have to offer.

12.—WANT OF LABOURERS.—On a young preacher being named at Conference, whose ministry had been crowned with success in the conversion of sinners, Doctor Bunting observed, that if we had more like him, we should have no occasion for Mr. Caughey; forgetting that, if himself and others located and secularized in London, were to go forth as labourers there would be still less need of such men; not to omit adverting to the fact, that America was repaying, in the labours of Mr. Caughey, and in the order of Providence, a small moiety of the debt she owed to the body, for the Missionaries sent thither by the Conference in by-gone days. We may send, it would seem, but we are not to receive. Apart from that, when complaints were uttered of a want of ministerial success through the year, both in the Conference and in the Missionary Committee, Doctor Beaumont observed, by way of putting down the frivolous apologies and excuses resorted to, that what was most needed in the Connexion was a spirit of deeper solicitude for souls, and a larger class of labourer—men of toil and effort in the work. Doctor Bunting, who felt where this touched and knew how it might be directed against himself and other located seculars in the metropolis, said, that there was no substantial proof that the piety of the Wesleyans was declining—blinding his hearers by shifting the point of Doctor Beaumont's remark respecting ministerial labourers to the people—and that we were in danger of discouraging each other—obliquely looking at the effects which the "Fly Sheets" might have on the minds of others respecting himself and his colleagues, who were not over-burthened with labour. He hoped, however, that the reasons why religion did not make greater progress among us would be well sifted at the proper time; further stating, that the Lord was convincing us that it was not more money, but more prayers we wanted.—"Watchman," July 29, 1846. We have to regret that he has been so many years in learning this part of the Christian's alphabet, and that he has been so ungrateful as to set at naught the siftings which we have presented to himself and to his friends. Different proposals were submitted to Conference by Messrs. Fowler, Vevors, Cusworth, and Doctor Beaumont, to fill up the ranks, and, among other measures, recommended that young men should be taken out of the Institution, rather than that the work should be impeded—Doctor Beaumont concluded an impassioned burst of eloquence with—"Loose them, and let them go, for the Lord hath need of them." Doctor Bunting sarcastically replied, "You may loose the *asses*, and let them go." Doctor Beaumont here retorted, with his usual quickness and force, saying, "There is a higher and a lower analogy, and a Christian minister ought never to take the lower when the higher is within his reach." This pinched, as well it might—the orator being supplied not only with knowledge, but with taste.* Besides look at the reflection on Quarterly and District Committees, for recommending and the Conference for accepting *asses*, not to say the reproach bestowed on

* The President before the ballot was taken for the London District, requested that he might be excused from serving the office of Chairman, which request was supported by Doctor Bunting on the score of other engagements. To a remark from the floor of the house, he replied, "You want an analogy. When does the speaker of the House of Commons become the chairman of a committee of that House? Or when does the colonel of a regiment become adjutant, or the adjutant pay-master sergeant? He was trying to get decently out of the previous analogy by a flourish in this case. But Doctor Beaumont would admit of no quarter, by objecting to the introduction of a political or military analogy; while others saw a too great aptitude for political analogies, and a too great familiarity with the House of Commons, whose spirit and usages he had been so ready to mix up with the simplicity of Methodism. But Doctor Bunting may be asked, so far as the

the Theological Institution, of which he was the head, for feeding, lodging, and instructing the assinine breed! felicitously closing in upon himself, without intending it—for as they were asses till they finished their Theological course in the Institution, and he himself had never been educated in one, he was still in a more degraded condition than the persons referred to, who had been at the “crib.”

13.—CURATES. The curate system is increasing among us. The President has one, to which we entertain no objection. But we decidedly object to Doctor Newton being indulged in this way, for reasons stated in our second edition of No. 1; and we also object to Messrs. Young, Pengelly, and Waddy having each a man. Our opposition does not lie against the men, but against the principle and against the reason assigned to establish it. The reason assigned in the case of Mr. Young, is, that of enabling him, as Chairman, to visit the Cornish District. For a settled supply, there ought to be perpetual visiting. But if one chairman is to be thus elevated and indulged, why not every chairman? We see part of the Bishop plan peeping out, after which some of our tory Churchites have been so long and ardently pining—the bishop visiting his diocese! Mr. Pengelly is allowed one, as Secretary of the School Fund. But why throw the whole of the secular parts upon the minister of the sanctuary? Why not employ a local preacher or other layman, to attend to the secular department? Nay, why not, if he must be kept by the Connexion, place Mr. Armstrong there, instead of going about the country like a gentleman? Doing what? If Mr. Waddy is unable to do his work, let him retire like other supernumeraries, who have asked for no such favour, and would incur no such expense. It was a wise regulation under the Levitical economy, that the priests should retire at a certain age, and not yield to the sanctuary half or imperfect service. The cause demands our fullest energies. The most outrageous aspect of the curate system is, to admit its increase, or even its existence, when men cannot be found for the regular work—when the President, as already noticed, has been compelled, government-like, in a case of emergency, to invite worn-out supernumeraries into the field! The accumulation of offices upon one man has led to this? and for this again we must look to the systems of LOCATION, CENTRALIZATION, SECULARIZATION, practised in the metropolis, as the primary cause—and, to a constant change of officers and a division of labour, as its cure. CURATES in London, where there are so many preachers in the regular work—supernumeraries, institutionists, officials, local preachers, and chance priestly visitors—is beyond endurance. The curates are nearly all given to the supporters of Doctor Bunting; others have to go without. And yet when Dr. Clarke required a little aid, no one looked more sternly at it than Doctor Bunting. There are many objections to the curate system, besides those already hinted.

(1.) It seriously affects our funds. Whence comes the support? If not from the Connexional funds, still, from the circuits; and these again are cramped in their financial energies, and prevented from doing more for the general work.

(2.) The young men are not equal to the men whose pulpits they supply, and the result is a serious injury to the circuits.

(3.) Self indulgence is encouraged in the men for whom a curate is provided. When a visit of pleasure draws in another direction, when the rain descends, when the night is cold and dark, the hack will be sure to be on the road.

(4.) It reverses the order of God and of Methodism, by making the christian ministry a mere secondary matter—having to give place to mere matters of secularity, n men unnecessarily encumbered with a variety of

subject of descending is concerned, when a primitive APOSTLE ever thought of becoming a *financier* and *located clerk* in a Mission House?

inferior offices, who, according to Doctor Bunting's string of Liverpool Minutes, should "consecrate themselves fully and entirely to their proper work," the work of the ministry.

(5.) It destroys the apostolic spirit in the men to whom the supply is granted, and places them on a degrading level with Missionary Secretaries and Book-Stewards. Why not divide Charles Prest's twelve or thirteen honours and offices among twelve or thirteen of his brethren, who are superior to himself in all things—save one (he knows what we mean), and who are undarned with a single laurel?

14.—FREE PASSAGE FOR MISSIONARIES. J. Irving, Esq., will have read in the minutes of this year, the following paragraph, p. 110: "That this meeting has heard with thankfulness the offer of J. Irving, Esq., to convey a Missionary, free of expence to the Society, to any part of the world to which his ships in future may at any time be going: and trusts that this example may be followed by the shipowners of Bristol and other ports." This is as it should be. But we should be glad to know what encouragement "the shipowners of others ports" have to imitate such an "example?" What will the Missionary Committee, and the friends of Missionaries, think of the conduct of one of its servants, in the following relation, as given by the gentleman himself? A shipowner had a vessel some time ago, about to sail for Australia. Her cabin, which was a very spacious one, was fitted up for first-class passengers. Being in London, and desirous of aiding the Mission cause, he went to the Centenary Hall, which has been designated "the palace of the four kings," to offer a free passage to any Missionary going thither, or to any others there might be a wish to forward. The shipowner was accompanied by two friends, one of whom was a leading man in the body, in a provincial town southerly. The livery man left them standing in the Hall, while he went for Mr. Beecham, who came out to the shipowner—heard his offer—and without ever thanking him for his intent, or begging him to take a seat, or asking him, together with his friends, to look over the building, simply told him they had no Missionary going out then,—abruptly wished them good morning, and instantly retired into his privy-chamber leaving the three gentlemen too much astounded by his rudeness, sufficiently to recover themselves to give him a parting blessing, which one of them was capable of doing. The shipowner and his family are all hearty Methodists. We leave this to make its own impression. Three years is a sufficient length of time to keep any man in office: during that period he will scarcely rise above a servant; if longer, we may expect the airs, the tone, and independence of a master.

15.—SUPERNUMERACY. The case of Mr. Reece was mentioned as retiring from the regular work, when Doctor Bunting proposed that a similar resolution should be entered into as that in the case of Messrs. H. Moore, and J. Wood, in 1827. This furnished him with a fine opportunity of aiming an indirect blow at Doctor Clarke, by stating that there was no Miss Nancyism about Mr. R.; that having laboured 59 years he was not disposed to indulge a foolish vanity to attempt his 60th, when he felt himself inadequate to the work:—Doctor Clarke having wished to complete the 50th of his itinerancy. And yet Mr. Reece, whom we venerate both for age and character—character, whether private or ministerial—was obliged to have help before he retired. But the fact is, Doctor Bunting has long acted as though he would like Doctor Clarke placed somewhere in the back-ground of Methodism, and himself in the front, as the only object of admiration; not only so, but our classification of his son and himself, in No. 2, with Doctor Clarke, could not but be felt, and was to be paid off by a side wind.

WANING POWER. On one occasion, when Doctor Bunting, during the Conference, adverted to a particular subject, which he thought might be an improvement, he observed, that if the suggestion were known to emanate from

him, or if he proposed such a thing, the brethren might be filled with jealousy, or not be disposed to receive it so well as from another. This admission from himself, was a fine exposition of the workings within. It was a tacit acknowledgment, that he felt his position somewhat altered, and altering; it fell like the sweetest music on the ears of the men who were panting for liberty from his yoke.

IV.—THE CORE AND CURE OF MISRULE.

All public bodies are in danger of departing, by little and little, from first principles. It is necessary to keep a most vigilant eye upon the earliest symptoms of deviation from the straight line; and we hope we shall not be charged with undue suspicion for doing this in these papers. From some such departure, insensibly creeping in among us, a good deal of the present uneasiness has arisen.

1.—It was most evidently a *principle* with those venerable men to whom, after Mr. Wesley's death, was entrusted the settling of the constitution of Methodism, that, *in all cases of election to office*,—(and, indeed, in all instance where personal favour or feeling was likely to interfere,)—the vote of the Conference *should be taken by ballot*. The solemn admonition of Mr. Wesley, written with his own hand, was delivered to them at their first Conference after his death. It implored them, “by their love to him, to do nothing by prejudice or partiality;” and it was present to their minds in all their arrangements. The instances of election to any office were, indeed, at that time very few. What would have been thought of abstracting from the regular work of the ministry four men for missionary secretaries,—six for a Theological Institution,—three for the Book Room,—two for the schools, &c., &c.—it is difficult to tell. But we may safely infer in what way they would have been chosen, if chosen at all. The elections, at that time, in which any personal favour or disapproval could be manifested, were chiefly confined to the offices of President and Secretary of the Conference,—Chairmen of Districts,—together with the election of members into the legal Conference; to which might be added the election of the members of the Stationing Committee.

2.—Now, the true spirit of Wesleyanism, in respect to this matter, may be gathered from the fact, that by common consent it was agreed that *all these elections ought to be by ballot*; and *by ballot*—(though efforts have been secretly made, again and again, to deprive the brethren of this their ancient liberty,)—*they still remain*. Usage, however, has been suffered to deviate from this primitive model. Care has been taken that not one of the offices which have been so profusely created of late years, should be entered upon by the spontaneous suffrages of the brethren generally. Nomination, and a show of hands, have been the order of the day. How can anything else than distrust, and a want of confidence, be the result?

3.—But this is not all. The election of men to office is, at present, still less in the power of the Conference than it was a few years ago, when less of lay-influence existed in the Committees.

We wish here to observe, that we have no objection to the introducing of lay-men on these Committees. We think it very proper that the general sense of the whole connexion should be represented in them. But is it so represented? Are they not generally partial and one-sided affairs? We have great doubts whether confidence in this respect, can be restored, unless these lay-members, as well as the clerical portion, be fairly chosen by the ballot of the whole Conference.

4.—In recommending this, we are quite sure that we are “standing in the ancient ways;” and following the example of men whose prudence and good sense were unquestionable. Take the following example. For the purpose

of drawing up the Plan of Pacification in 1795, the most important Committee, perhaps, that was ever selected by the Conference was chosen in the way we mention. The fact itself, and the reasons assigned for it, are worthy of serious consideration. We give them in the very words of those open-hearted and sincere men, whose honesty and integrity we greatly admire. "On the second day, we saw the necessity of appointing a Committee to prepare a Plan of General Pacification; and that the Committee might be men of our own choice, in the fullest sense of the words," (it will be perceived that it is the whole Conference that speaks,) "we resolved that they should be chosen by ballot." *Minutes*, Vol. I., page 322.

We recommend every preacher to ponder these words, till they are indelibly fixed in his memory. The men are not "*men of our own choice, in the fullest sense of the words*," unless they are chosen by our own free and unbiassed suffrages.

5.—But, to return:—As things now are, Conference has very little to do in choosing a man for any official station. For example, it will probably come to pass, some of these days—though we apprehend, not very soon, if the wishes of the present occupants are to decide the time,—that it may be necessary to seek a successor, we will say, to one of the Missionary Secretaries. *Will the Conference originate the choice of such an official?* Nothing of the kind! A proposal will come before them, *as the earnest recommendation* of a Committee purely consisting of laymen:—and these, as is notorious, not elected with any impartiality. For whether we look at the men who are chosen, or at the men systematically excluded, there is, in these elections, much more to wonder at than to approve. The matter will come before the Conference, just as the latter recommendation of this kind did, with this *vice versa* addition.—Now that you have laid men on your Committee, attention is due to their recommendation." Can any unbiassed opinion of the Conference be anticipated after this?

We have, indeed, only to go on in the same direction a little while longer, and it will be too late for the proper and legitimate freedom of the Conference to give for ever. It will have become what the French Parliament was under the old *regime*—an assembly for registering decrees already made to their hands, and which they had no real power to question or resist.

6.—We have elsewhere exposed the utter futility of the pretence,—"*You have your remedy.*" You may hold up your hand against the individual proposal." The answer is obvious. You forget that you have just told me that W. W. Stamp (we merely use the name for the sake of illustration) has been selected *arbitrarily* as the most suitable person, by a very influential and mixed Committee, whose opinion ought to have weight with me. You forget, too, that W. W. Stamp (I will suppose the case) is my personal friend. And, though I may be convinced that I could find a more suitable man,—though I may be convinced that to take him out of the regular work would be doing an

* The self-complacent attitude of some of these Reverend Committee-men is truly wonderful, and would be exceedingly amusing were it not for the regret we must ever feel, that things have been permitted to arrive at such a state as to allow such exhibitions to be at all possible. For example, our resolution, previously in close conference concocted, is moved, and seconded, and supported, in open Conference, by three of the secret cabal. After a speech or two from other members of the same cabal, in defence of the resolution, some unlucky brother, "blow the horn of the house," rises to show reasons *per contra*. He is immediately marked by the privileged few as "a disaffected man," "an opposer of the Conference," and the brand of reprobation is forthwith fixed upon him; and the brethren appear, with meek resignation, quietly to admit the justice of the condemnation. So general, indeed, has the disposition become to put "THE COMMITTEE" in the place of "THE CONFERENCE," and to consider the opposers of one as hostile to the other, that we have known men, in other respects high minded and liberal, who have privately remonstrated with the refractory brother after the following fashion:—"My dear brother, if you had nothing better to propose, why n'bao

injury to the cause of God, and, at the same time, would be doing an injury to W. W. S. himself; in a word, although I may be convinced that another ought to be chosen, yet, *as he is my friend*, and, after what has occurred, has *now set his heart on being elected*, you place me under a strong temptation either to give a vote contrary to my conscientious conviction, (which I will not do,) *or to be neuter*: as the *majority* of the whole Conference often are on these occasions.

Can any one deny, that this is a state of things which ought forthwith to be amended?

7.—In nothing did the wisdom of the men of 1795 more manifestly appear than in their established mutual confidence among the brethren; and in their putting it, by means of the ballot, out of the power of any one man to lord it over his equals. On the other hand;—in nothing has the present mischievous state of things struck its roots so deeply, as in the Conference permitting the power of control to go out of its own hands, by suffering the actual government of the Connexion, in point of fact, to glide imperceptibly under the power of Committees, over which it has very little influence, either primarily, in their election, or subsequently, in their acts and decisions. The result of this state of things is, that men are chosen to office,—and, what is more,—their brethren believe to be, (to say the least,) *not the most fit* for the places they fill. We know that this will be denied in argument; but we are as sure of it as we are of any proposition in Euclid. WE DARE THE GAINSAYER TO THE PROOF. Let him consent to have it put to the ballot, and he will see!!

8.—It will be perceived that we ardently wish to dispense with the services of the Nomination Committee altogether. The brethren need no such help as this Committee professes to render. They can do the work themselves.

A Nomination Committee can only be required for one of the three following reasons:—1. That the fittest persons to fill the different offices of the Connexion seldom attend the Conference; and, therefore, remain unknown. Or, 2. That the Conference has too much work upon its hands to allow of sufficient time to make the proper selection. Or, 3. That men are to be secured for party purposes, and to carry out those purposes to the satisfaction of the ruling party.

Now, the first of these reasons cannot be alleged. For, the men most fitted for office among us, are, by their frequent attendance at the Conference, well known. And as to the last of the three reasons, no one, we should think, would have recourse to it, for very shame. It can only be, therefore, on the second of these three grounds that any one could attempt to justify this anomalous thing,—*a Committee to make Committees*.

But the second reason is as weak and worthless as the others. There is no more need to occupy the time of the Conference in discussion, in the act of choosing men for our various Committees, than there is in choosing either the President or the Secretary. The brethren would be prepared, by their previous knowledge, to put in nomination, through the medium of the Ballot, the persons most proper to fill the places of those who must retire;—and the legal Conference would still retain the power of confirming or rejecting the persons so nominated.

yourself in an attitude of hostility *against THE CONFERENCE!*" By "The Conference," gentle reader, you are to understand, not THE BRETHREN, in their collective capacity assembled, to consider the affairs of that part of God's heritage over which he hath made them "overseers;" but the proposer, and seconder, and supporter of the aforesaid resolution, with the two or three orators who spoke in its defence! Thus have the brethren surrendered the power of legislation into the hands of a few self-selected individuals, virtually excluded themselves from the "Conference;" and it would be wiser and more dignified were they to remain at home, attending to the work of their respective circuits, rather than countenance by their presence the annual farce "got up," and enacted for the special glorification of Messrs. Bunting and Co., and the lay-lords whom he delighteth to honour. So much for "*the remedy*" of holding up the hand, or lifting up the voice, against plans and propositions previously "*ordered*" in all things and sure."

In the case of a Nomination by the whole body of the preachers being annulled by the legal Conference,—we would suggest that the person having the next number of votes should be considered as the next eligible candidate. But a standing Committee of Nomination, we cannot but look upon as a reflection upon the judgment and purity of the body of the Conference generally,—operating as a blight and a pestilence on the prosperity of the work of God at large.

2.—To sum up the whole:—*That* man will deserve well of his brethren,—he will merit the grateful eulogy of generations yet unborn,—whoever he may be, that shall have courage enough to stand up nobly in his place in the Conference, and move,—“That, from and after this — day of August, 184—, all elections and re-elections to office shall, *bonâ fide*, be originated by the Conference itself, and not by any of the Conference, *in reference to all official appointments*, shall henceforth be had and taken by ballot.”

We think we see, with almost prophetic clearness of vision, the rapid approach of that event. But we warn *him* who may think himself providentially called to propose this resolution, that, in the carrying of it, he must prepare himself for a life or death struggle. He will be sure to encounter, from one who is well acquainted with all the tricks of rhetoric, some such plea as this,—“None of your secret voting. It will lead to canvassing, and to all the secret works of darkness.”

Now, we venture to affirm, that there is nothing of all that passes the Conference that gives such general satisfaction as that portion of its business in which the Ballot has, from the first, been used.* Every one is satisfied with the result; for all has, at least, been fair and honest. No intimidation, nor personal influence, can, to any extent, have prevailed.

Can the same be said of all other elections, in the mode in which they now take place? Was there no secret, and underhand influence, through which a man like G. C. could find himself safely ensconced in the Editorship? We could reveal the secret springs that led to this result; but we will not touch the disgusting subject any further at present.

9.—We have now, according to the title of this chapter, searched to “the Core of all misrule.” We believe, too, that we have suggested the only “core.” The brethren have the remedy in their own hands. But “herein the patient must minister to himself.” It remains with you, independent members of the Conference, in whom, under God, all our confidence is placed, to say whether whether the present state of things shall continue. Follow our counsel; take measures to secure, in the first place, the carrying of the resolution we have

This is especially true with reference to the choosing of the President. In this and two or three other things of a similar character, the real liberty of the Conference is still perfectly retained; and we are glad to perceive that the members of that assembly have recently been disposed to prize, and practically to assert, this liberty in an increasing degree. We have no wish to exalt the importance of our own labours. But we think we have, in these papers, done something towards infixing in the minds of the brethren this principle of plain common sense,—that there is no propriety in re-electing from among such a body of respectable men *the same individual again and again*, to the highest office in the Connection; as though there were a lamentable paucity of those who are qualified for its duties. We hope it is quite unnecessary to inculcate the importance of abiding by this principle; and that, with a tenacity which nothing should be suffered to move. We have no fear for the approaching Conference. But it is to the following one, in 1848, that we look with some degree of anxiety. There may, at that time, be no small danger lest the brethren should be induced, “just for this once,” (as it will be said,) to depart from the determination which they have recently shown, not to re-elect to the highest seat of dignity, any man who has filled it before; much less one who has already filled it more than once or twice. Our readers will understand us. We have uttered the warning voice. *Keep your principle and it will keep you.* See our remarks on the impropriety of re-elections, in the case of Presidents, in No. 2 of “FLY SHEETS.”

suggested. We venture then to predict, that, in fewer years than you can number on your fingers, the vessel of our ecclesiastical state, which is now almost thrown on its beam ends, will right itself again.

The measure may, indeed, put in peril the official *status* of two or three, who ought to have had the modesty, long before this, to retire. But, subsequently to the first grand effort for freedom, there will, upon our plan, be no contention. There need not be one angry word spoken. A few scratches of of the pen will put all to rights. And in three or four years, every man in office will have the heartfelt satisfaction of saying to himself,—“I occupy the situation I now fill, with the concurrence of a clearly-expressed majority of all the brethren, whom I love and honour the most in this world!”

V.—FLOATING OPINIONS.

Much may be collected from public opinion, either in the way of discouragement or comfort. The following sentiments and expressions have reached our ears and our eyes, either brought in or transmitted by friends, or casually heard in the social circle, when the parties interested were not suspected to be present. We can filiate the whole as to time, place, and person, but forbear; each parent will know his own child, though it may have passed through half-a-dozen hands on its passage to us;—and of this we are certain, that, as to effect, not one will be lost here, whether brought into existence—as they all were—*before, during, or after* Conference.

“It is very extraordinary,” says one to start with, “but these ‘Fly Sheets,’ I find, have been out some time, and I have never heard of them till now—[July:] and what is remarkable, they have not once been named in the Book Committee, of which I am a member.”

“This mysterious silence [before and during Conference] bespeaks much.”

“The exposé is so complete and crushing, that, I think, the party will not dare to search for the authors, for fear of being held up to general scorn and execration, by the publication of the “Fly Sheets” to the world, which would be the inevitable result of an attempt to detect and to punish.”

“There is too much truth in the statements; but the spirit is bad, and the manner is uncourteous.”

“Report states, that great exertions are making to find out the authors, and that there is a determination to prosecute them for libel.”

“The first formal mention of the ‘Fly Sheets,’ in the Conference was this morning, [July 31,] by the great personage who has the most right to feel interested in them. After charging Mr. Fowler with their publication, he intimated that he did not mean to say that he was anyways implicated, than as having furnished information from his note book.”

“The Doctor and his men are extremely at a loss to conjecture from what sources some of the information in the sheets have been derived. He keeps harping upon treacherousness of this betrayal of what takes place in the debates of Conference. But the general impression seems to be, that if persons will say or do foolish things, they cannot hope to have them passed by in silence.”

“I have heard the ‘Fly Sheets’ mentioned among the Preachers at Conference, in conversation with each other, with no very remarkable disapprobation.”

“The general opinion appears to be that No. 1 of the Physickers is very severe, but sadly too true—that No. 2 is full of excellences, and great hopes are entertained as to the salutary operation, which it is so well calculated to produce.”

“Some are of opinion that the Conference cannot notice the ‘Fly Sheets’ in any formal way; but I remind these of its dignity in the case of the ‘Wesleyan Takings.’

“Though the spirit of the first is bad, it contains many things that are substantially true.”

"All seem to agree here that No. 2 has disposed effectually of the question of re-election."

"We have learned at last, that we are free-agents."

"Percival Bunting was congratulated on the choice of the President: he thanked the person with a bitter smile and stiff brow. His father made a sly back out, telling the Conference he perceived the brethren were unanimous in favour of a senior brother."

"Beaumont is chosen one of the Hundred! we shall be kings in our turns, as the old song hath it."

"No. 1 is a terrible affair."

"It is state 1, when Mr. W. M. B. read it, he was made absolutely ill by it, and that, till then, he knew nothing of the £2000 given to his father."

"More than one is concerned in these 'Fly Sheets.'"

"There is a regularly organized Committee, and a returned Missionary wrote No. 1."

It is desirable that the real Junius should be kept in profound secrecy, as 'the powers that be' would persecute to death the acknowledged author of their confusion. On this account and, also for the sake of the good which will be effected by its occult influence, it is hoped that its author or authors shall ever be the 'Great Unknown.'"

"Alder merits the castigation he has received and so does Prest; and both, I hope, will improve under the rod. The latter, on one or two occasions, was refused a hearing in the Conference."

"None but a base assassin would write thus."

"It is the opinion here, [Bristol, before Conference,] that the parties implicated will, if possible, be quiet: if they can they will prevent anything being said: at any rate, they will not force the subject on the attention of the Conference, if they can keep others from meddling."

"It is a good physic; it works well; the impression against re-elections and self-nominated Committees, is strong and far from rare."

"Doctor Bunting told a story in the Committee of Review, which told me, that he felt the 'Fly Sheets.'"

"Doctor Alder looks mum, Beecham looks thin, and Doctor Bunting looks to me—it may be fancy—anxious."

"I have perceived two things: first, a disposition to avoid re-elections of Presidents; secondly, strong dissatisfaction with the mode in which Committees are chosen; the latter has appeared in some strong objections which I have heard made against the late finance Committee held in London, on the ground of its not having been chosen by the free suffrages of the Conference."

"The 'Fly Sheets' have had some influence in effecting this wonderful change in the feelings of the moderators: they have learned to be independent, to divide the honours, and not recur to the same set of men for Presidents."

"Doctor Bunting made a speech full of graciousness to the Ex-President—and told him, how much and sincerely he admired the whole of his conduct, both in the chair, and during the presidential government of the year."

"It is thought that the 'Fly Sheets' have tended to tone down the spirit of the Dictator."

"I was in a knot of the clique yesterday. We were all talking jovially together,—but the moment the election was announced, one would have deemed they had all been like a certain Priest of old—struck dumb in the Temple."

"The Preachers look well and very gentlemanly, and conduct themselves as such among the people."

"I expect some of the 'satalites' will throw their sympathies and sophistries around their 'Jupiter,' and use all their influence to raise the indignation of the 'Brethren' against the Authors of the statements, and thus, as you say, shield the ~~real delinquents~~."

"Not to have noticed them at all, would have betokened fear; and to have attempted to moot any fact would have provoked an enquiry. There was great generalship in the Doctor's manner of treating the subject: it was after the manner of shouting out 'mad dog:' the panic was intended to prevent examination."

"The Preachers are walking abroad in the liberty wherewith the 'Fly Sheets,' (under Providence,) hath made them free: Bunting, calm as a Lamb—thoroughly, everlastingly floored. Were I he, I should sing, 'Oh 'tis better to depart,' 'Tis better far to die,'—than to live on, in the humiliation of such a scene of triumph: he has not preached; I suppose he had no heart for the task. Where is the name? his name will not do now, even like that of the Black Douglas, to frighten the children into obedience!"

"How sudden the change! It is like the shock of an earthquake to the Old Dynasty—like the still small voice to the free and the happy. I hope we shall never use our 'liberty for a cloak of licentiousness, but by love serve one another."

"All the brethren I have seen, have expressed their pleasure at the publication of the 'Fly Sheets.'"

"It is said that on the evening preceding the Conference, two of the preachers, on the liberal side of the house, made it their business to be down when the trains came in, in order to secure votes for Doctor Beaumont's admission into the Hundred; they got 92 that evening."

"I have heard many say during this Conference that the 'Fly Sheets' secured Atherton the chair, and Beaumont into the Hundred."

"I saw B. the other day; he looks thoroughly subdued in more senses than one:—a shaven priest."

"The ears of the preachers are now open for the truth, and some are feeling the possibility of emancipation. The tide will set in with irresistible yet solemn grandeur, bearing away the old musty, time-worn, tottering walls of the palace of the aristocratic High Priest. Work while it is day—take the thing at the flood—break the neck of Dagon, and scatter his head and hands before the threshold of his own temple! All may be gained or lost: the victory is in your own hands."

"It is surpassingly strange, that no allusion—even the most remote—has been publicly made to the supposed origin of the 'Fly Sheets.'"

"Doctor Bunting hinted to Mr. Fowler that he must have known something about these 'Fly Sheets,' but was indignantly repelled, and had to back out as decently as he could, Mr. Fowler telling him he would put him to his proof when his character was called over."

"Doctor Bunting, in opposition to Doctor Beaumont, said he would argue the subject of re-elections at a proper time; but the time never arrived."

"The high party have already begun to boast that Doctor Newton is too firmly fixed in the affections of the Conference to fail of re-election when his time shall arrive. We shall see."

"The yoke is broken for ever, and we shall now have the Methodism of John Wesley."

"It is a glorious victory."

"Many have a sparkle in the eye, and a smile on the lip, on the subject of Wesleyan politics, to which they have been long strangers."

"The party look sadly crest-fallen, and would now make good mutes, Mr. —told me that Prest felt it desperately: however the Doctor and his clique are making a good retreat; and shewing in death, the perfection of his policy."

"Methodism. Wesleyan Methodism, will breathe from her long syncope, and stretch her limbs to the freedom of her ancient privilege:—*homo sum*, was an assertion of right, heard only from the lip of one or two;—now there is a re-

generating feeling,—a pulsation of the warm life blood of liberty throbbing in every heart, and uttering, and echoing, and re-echoing the cry 'Am I not a man and Brother?'"

"The Conference has passed off most amicably. The old party has been as meek as a herd of sucking babes. The next evil to be attacked is the rapidly increasing one of the Curate system, and then a change of Missionary Secretaries. People are offering £5. a piece if they eject Alder."

"I could not refrain from fervent thanksgiving to God, for having thus succeeded the endeavours of his servants to rescue our beloved Methodism from the grasp of an artful, selfish clique. I am persuaded that the 'Fly Sheets' will effect more good in Methodism than the whole Buntingian clique combined."

"All that may be termed the liberal portion of the Conference fell back on the conviction, first,—that it was folly to re-elect a man to the chair who had once filled it:—secondly,—that though they might prefer Mr. Samuel Jackson, to Mr. Fowler,—yet that, as the only man who was likely to be successful (as opposed to the Platform's nomination) was Mr. Atherton, it was best to stick to him by way of carrying the principle victoriously through—that no man henceforth should be re-elected."

"The general opinion of those who have not sold themselves to 'the powers that be is, that No. 2 has unfolded some of the most wholesome and useful statements, which could appear; and the effort of a certain personage to shield himself under the sympathies of his brethren, can only afford a very 'temporary accommodation!'"

"It is one of the most tremendous attacks that has been made on the party in modern times: the attempt is perfectly Lutheran."

"We know enough to confirm us in the truth of all that is stated. A change is absolutely necessary."

"The Missionary Secretaries were placed in a position, which ought to have led them to defend themselves by answering the charges of extravagance preferred against them—especially Doctor Alder."

"The Secretaries ought either to have defended themselves, or to have resigned."

"The 'Fly Sheets' will diminish the influence of the aristocracy: the Presidency is well argued."

"What astonishes me most is that the writers appear to be familiar with all the secrets of the party.—I have long looked upon the Platform as a great evil."

"I can, from my own knowledge, vouch for the truth of many of the statements. It is time the evils were corrected."

"It is all right: the 'Fly Sheets' should be widely circulated: we groan, being burthened—with abuses."

"There is a great deal of acrimony in the first, but a great deal of truth."

"I regret to find that occasion has been given for so much severity."

"The 'Fly Sheets' will be sure to do good. Take the Stationing Committee; great mischief is done to character by the whispers of the Representatives; and being bound to secrecy, men are living on in the body, without a knowledge of the cause or occasion of their treatment; and therefore, without means to help themselves. Let those who talk about the anonymous attacks, and who tell us, if the writers of the 'Fly Sheets' have such charges against the reigning party, that they should come forward openly and prefer them—let them, I say, look at home, and think of this."

"Several strong barriers, which kept up the exclusive system, broke down this Conference, [1846.] The Platform sooner or later, must go."

"Bunting never had such a storm of notes as in the discussion on the book

concern, when he attempted to twit Mr. G. Osborne, for which we may give God hearty thanks." "Amen," replied the friend addressed.

"Liberalism took great strides at Conference—aye, strides indeed! It is slipping on seven-leagued boots."

"We have now arrived at such a state of things that for the safety and prosperity of both Preachers and people there should be two newspapers out of doors, and two parties in the Conference; the one watching the other, and preventing all encroachment on our liberties."

"The persons who are engaged in this work of reform have an arduous task before them, and a difficult path to tread,—close beside that of as watchful a system of espionage as exists—the successors of Loyola not excepted. Alas, I could unfold tales, in addition to those with which you are painfully made acquainted by the 'Fly Sheets,' enough to make a refined and upright mind even to shudder! and these under the garb of Wesley Methodism: I refer, of course, not to matters of moral turpitude—but to sincerity, trick, and double dealing."

"When the measure passed, giving a power to the London Preachers to examine and pass candidates for the ministry, from all other competent District Committees, I said in my heart, 'I am done with the centralized club for ever. Such a self-sufficient, impudent, audacious piece of presumption, I never witnessed before in Methodism:—a young man, in some instances, sent to hear and decide on the case of a candidate, on one specimen sermon, and possibly sent back, after having been recommended by thirty or forty preachers belonging to one of the Districts in the country! I felt indignant, and resolved never more to take a part in the mockery of a provincial District examination of candidates.'"

"I look back at the Conference with intense interest. To me, there seems to have come upon us the first inspiration of a spirit, which, in future, though in no very distant days, is to give a new aspect to the administration of Methodism. I may be wrong; but to my mind the great 'Image' rocks on the plain. What will become of all the sackbut players?"

"In a few years toryism in Methodism will be what toryism in the British Constitution is—an antique—a thing of gone by days—extinct as a genus, and existing only in a few stray octogenarians of a former century, and who, dying, like the two venerable knights of Malia, will leave no successors behind them."

"They will never allow the second edition of No. 1 to remain unanswered, or unnoticed. What a strong proof of their guilt is their past and present silence? Had there been any misrepresentation, we should have had a circular long ago, indignantly denying the odious charges."

"If the ruling party in the body, comprising Doctor Bunting and his men, are only well supplied with 'Fly Sheets' from *within* the camp, and with such articles as are to be found in the "ELECTIC REVIEW" for August, 1846, and the "CHRISTIAN WITNESS" for January, &c., 1847, from *without*, surely some salutary effects will follow. It is worse than madness to sleep secure, or to set at nought this hostile array against wrong: these attacks cannot be the work of a few, but of the many: not only are the outworks assailed, but a part of the citadel seems to be in a blaze."

"I am resolved for one, and I know many more of the same mind, to abide by single elections in the case of Presidency; never will I vote for the re-election of a man, however excellent, who has filled the Presidential chair before. No. 2 of the 'Fly Sheets,' has settled that question with me for ever. There is no fear of a dearth of Presidents, while we have such men to fill the chair as S. Jackson, Doctor Beaumont, J. Lomas, J. Fowler, W. Vevers, D. Walton, W. Lord, J. P. Haswell, J. Methley, A. Bell, E. Walker, F. A. West, and others; any of whom will fill it with as much dignity, wisdom, experience, and piety, as either

John Scott or Edmund Grindrod. If one man is more worthy than another to fill the chair, it is Dr. Newton; but much as I admire him, the principle is still more valuable to me than he is; and by the principle of single elections I am resolved to abide."

"Like Napoleon, Doctor Bunting's dynasty will begin, continue, and end in himself."

"There is too much truth in the 'Fly Sheets,' and, I add, they ought to be answered—that is, if they can be answered."

"It is a wonder to me that the writers did not, when on the Mission ground take up some important points, on which I really think the Missionary Secretaries are assailable. The London Missionary Society's affairs have been examined by a most able and impartially drawn Committee. Why not the same thing done with us? Two General Secretaries transact all *their* business: why have *we* four, and the Manchester bankrupt to make up weight?*" Doctor Alder can be spared to leave the Mission House to go to Canada: could not the presence of one of the four kings then be dispensed with at our Somerset House? If I had had a hand in getting up the 'Fly Sheets, I think I should have thought myself—not over bright, if these points had escaped me."†

"Nothing appears to escape the authors: they have eyes as searching as fire: and, as if possessed of Dionysius' ear-trumpet, they seem to know everything that occurs."

"It is stated in one of the numbers of the 'Fly Sheets, that Mr. Jackson, of Manchester, would be employed as an 'easy chair' for Doctor Bunting and his colleagues, and would preserve them in a state of idleness. This seems to have been prophetic. Would you believe it?—that very man who was elected under the specious guise of going about to revive the Missionary cause in different places, and paid for the work, was actually kept in the Mission House, closely employed—sometimes nearly twelve hours in the day, in preparing the Missionary Report for the press; a work for which the four secretaries are handsomely paid for getting up, and to which they affix their names, as though the whole of the labour had been their own. This useful agent assigned this as a reason, when on a visit to a place, why the Report of 1846 was out so soon, and why he had been able to do so little in the provinces! Little aware, poor simpleton, that the sword was cutting different ways; falling with tremendous weight on the indolence of the Secretaries; the little need there was for him in his own peculiar sphere, and the misappropriation of the public money, in the payment of men for work they do not attend to."

* Ask this gentleman, whether, when in propriety, he did not lend one of the sons of ~~manhood~~ some money; and whether that act had not some influence in procuring him his present situation? We have heard much in Manchester, &c. &c. Let the brethren beware of this man. Whatever is said by them in the circuits is carried to the Mission House. He is employed as a Spy. We are prepared to prove the fact.

† To these sentiments we most cordially respond; and ask, by whom was Doctor Alder sent to Canada? Not by the Conference; but by the Canadian Convention in London. Would he, we again demand, have been selected and commissioned, by a free vote of the Conference? We answer, No; no; no; he is not held in such esteem by his brethren. Why, then, we once more enquire, was he so object of choice? Simply because he was one of their own; and they are not in the habit of going on from among themselves with their favours. We have now reached the climax of assumption. The London authorities allowed to appoint a President for the Canadian Conference, and these authorities selfishly monopolizing the honour among themselves!! But this is not all. We are of opinion with the person whose remarks have given rise to this note, that four Secretaries are unnecessary; proved by the fact of Doctor Alder being sent by his brethren on an errand to Canada, thus shewing, that by sparing one, they can at least do with three, and so save the expence of the most costly of the four! It is not sufficient to say, that Doctor Alder had been in Canada before, for the good that he did there has yet to be shewn. Any how, Messrs. Reece, Hannah, Newton and Lord had not been there, when sent out by Conference.

"I have heard a complaint on the part of some of the Missionaries, that more is laid to their charge, in the General Report, than the station on which they have laboured has cost; and that they have, consequently, been unable to make their own private accounts tally with the published accounts, as to actual expenditure. This is an argument in favour of an impartially drawn Committee of Examination—but not from among themselves. Some of the Missionaries, I am told, have been kept out of their just claims for years, and others of them, have absolutely turned fish-mongers, and sell fish for a living. If this were known to a generous people like the Methodists, every feeling of their nature would revolt at it."

"Though I cannot acquiesce in all that is contained in the 'Fly Sheets,' I cannot resist the thought, that the writers are *Conservatives*, for they do not attack the CONSTITUTION of Methodism, but its present ADMINISTRATORS—its EXECUTIVE department, where there is certainly scope for improvement; and I am glad they confine the sheets and the conflict to the preachers—anxious, apparently, not to disturb the peace of the body."

"The article on Secularization tells a tremendously awful tale, and ought to rest with solemn weight on the consciences of the men that are concerned in it."

"There is an error in the second edition of No. 1, of the 'Fly Sheets.' Instead of £800 being abstracted from the Centenary Fund, by the trick of changing *Information* into *Advertisements*, it will be seen by advertizing to the 'General Centenary Report,' in the 'general disbursements' at the close, that no less a sum than £1,406 13s. 7d. was taken from the contributions of the people, to support the 'Watchman.' In this way, these tory speculators have contrived to refund part of their own subscriptions. This paper is assisted in various ways from the Connexional Funds. When the united Committees met in April last, on Lord John Russell's Educational Scheme, copies of the 'Watchman' were forwarded gratis to the Preachers, not excepting even those of them that were regular subscribers. Who paid for this? The Wesleyans out of their funds!! By these tricks, the conductors, at the close of *thirteen years*, have been able to pay £10 to £100 shareholders,—taking care to deduct from the ten, seven pounds for papers—thus blessing them with from three to four in cash. And yet, as an inducement for persons to become subscribers, they are told that the profits, after paying £5. per cent. are to go to the public charities!!

"Mr. Waddy sent up an article of *intelligence* some time back to the 'Watchman,' on the prospects, &c., of the 'Sheffield Proprietary School,' and the Committee refused to insert it, except as an Advertisement! It is not generally known, that, while the disinterested supporters of that paper, tell us, when assailed on Connexional principles, that it is only the allowed, not the authorised organ of the body, there are some of the London Preachers on the Committee to decide on articles to be inserted or rejected. How can the work of God prosper in the Metropolis, while those apostles, who should consecrate themselves, in the expressive language of Doctor Bunting's Liverpool Minutes, 'fully and entirely to their proper work,' are tied to a Newspaper, as to the tail of a dog cart."

"W. M. Bunting said, 'My father can hook you all, and no other man can do it but himself.' On another occasion, 'There will be a change when my father dies.'"

"Doctor Bunting sits at ease, forging chains for others,—making laws which do not reach himself: see him tested by his Liverpool Minutes. His mode of legislation shows that he has the most contemptible opinion of his brethren; he legislates, as for a set of disorderly villains, always on the alert, to break forth into open transgression, not for men of God."

"We have reached a perilous position as a body,—the very state of things against which Mr. Wesley cautioned us. Rich men, through the policy of Doctor Bunting, have now become *necessary* to us: nothing can be done without our rich laymen: if anything is wrong, or measure is to be carried, Messrs. Wood and Heald must be sent for from Manchester. Such men—if we are to have them—ought to be changed, as well as the Secretaries and others."

"Some of Doctor Bunting's friends are offended, because of the £2000, subscribed for him being noticed; stating that it was a private act: but such persons forget, that it was public both in its cause and its effects, and was given and taken at the expense of Methodism; the favouritism which the Doctor had manifested, and the honours he had heaped upon these gentlemen, led to it; and the fact of his attempt to coerce the Conference into submission, by the expressed opinions and wishes of these men in the various Committees, is a proof that the body has had an improper influence entailed upon it by the boon."

The following Dialogue has been furnished by a member of our Committee, which has amused us not a little, and which was no small amusement to himself. We withhold the names of the parties, and merely employ alphabetical characters as their representatives.

A.—"What will be the course pursued by Doctor Bunting and his party, at the approaching Conference, relative to the 'Fly Sheets?'"

B.—"They will pass over the whole, to be sure, without notice, in the way the facts were evaded at the preceding Conference."

C.—"Something more than that, I think, will be expected by the Preachers."

A.—"My opinion is, that the second edition of the first number, will render the Doctor desperate, and that he will resolve upon making inquisition among his Brethren, in order to detect the authors."

D.—"He will not resort to that plan again: he was floored most humiliatingly in the case of the 'Wesleyan Takings,' by Burdsall, Beaumont, and Everett, and had to sit down contentedly with suspicion in lieu of knowledge: the only time he seems to have come to a dead stand, like the hounds at fault, and to slink off after the chase with disappointment as the reward of his toil."

C.—"While the Doctor and his men are calling out for the authors, the whole Conference should demand from him a disproof of the facts: the latter is the first business, and of the first moment: let these be disproved, and then hunt out the maligner, and punish them accordingly. Innocence will at once go to the charges, and rebut them: guilt will go to authorship—to anything—or anywhere, rather than to the facts, to prevent examination and elude detection."

D.—"So I think: and I would just observe, that the Doctor would not have pursued the enquiry he did, in reference to the 'Wesleyan Takings,' had not the author, at the close of his Preface, suggested the very course which the inquisitor adopted; evidently laid as a snare in which to catch him: it appeared so simple, so straightforward, and so likely to be effective, that the Doctor could not resist the temptation of trying the experiment—never for a moment calculating on a failure: and the three geniuses sat and laughed at his defeat and his fulminations."*

* It is somewhat singular that the Methodist Magazine should be at variance with the Methodist Conference. In the number for April, 1847, p. 333 it is asked, in an article entitled "Truth," "May I tell a lie to preserve my secret? I am the author of an anonymous work—Junius, Waverley, an article in a Review. It is important to me to remain unknown as the author. I am asked if I am the author; or I am charged with being so. Am I compelled to confess? Am I allowed to deny? To this I reply negatively to both enquiries. I am not compelled to confess; but I am not allowed to deny. I am not allowed

A.—"By the way, a friend of mine has the copies of the letters which Burdsall and Everett wrote to the Conference. They are sarcastically severe, and yet contain admirable arguments in defence of resisting, what they deem, an inquisitorial measure."

D.—"The inquisitorial plan is not only an insult offered to every innocent person, but it may subject the inquisitor himself to no small inconvenience, in answering certain questions which the opposite party have it in their power to put to him. If I were questioned, I should wish to know, whether I stood in the position of a person suspected, or directly charged with an offence? If only suspected, I should then demand the names of the persons that might suspect me—enquire of what I was suspected, and also the ground of that suspicion?"

C.—"I would proceed further than so: and would insist upon all suspicious and suspected persons being scrutinized, ON ALL OTHER MATTERS; and then would come in the missionary Secretaries, and others, relative to whom the cry of authorship was intended to give the go by, but who, agreeably to the 'Fly Sheets,' would stand on the list before me: and I maintain, that I should have as good a right to insist upon my scrutiny, as they would have to pass theirs; and with a much better grace too, since I, at most, could only be suspected, whilst they have point blank charges urged against them, with facts and documentary evidence to support them."

B.—"An answer to the question, guilty or not guilty, as to authorship, can be no refutation of the charges preferred; and Doctor Bunting and his party, with whom the enquiry would be likely to originate, ought first to acquit themselves before they are entitled to entrap and criminate others."

"*A.*—"Till a man is proved guilty of writing and circulating the said 'Sheets, he, and every other preacher, is bound to institute an inquiry into the truth of the facts brought forward, since the parties, in attempting to bring the author or authors to judgment, tacitly deny them; and being themselves the supposed cause of bringing the business officially before the brethren, the latter would have a right to expect, in their Conferential character, to hear the statements fairly refuted. Here I would take my stand, if they were to propose the question to me."

C.—"It seems somewhat strange, that, when Doctor Bunting is in any way reflected upon such sensitiveness should be manifested on the part of him-

by the rules of morality to say what is not true, because to tell the truth is inconvenient or disagreeable. The rule of truth, the conception of truth, admits of no such exception. The rule cannot be—Never tell a lie except when to tell the truth is inconvenient or disagreeable to you. Such a rule would destroy the very nature of truth. It is not what we mean by truth. It is a rejection of the universal understanding which prevails among mankind. It is using words in a sense in which I know mankind do not understand me to use them. I may not, therefore, deny. I may not say, No, when they ask me if it is so. But must I say, YES?—must I confess? By no means. I am under no such necessity. I may be silent. I may refuse to answer. I may put aside the enquiry. You say that this would be really to confess, or at least to disclose the truth; that it would be so interpreted; and that I am, in this way, robbed of my secret. I reply, that whether my answer is understood as a disclosure, must depend upon the skill with which I frame it, and put the question by; but that, if it is so understood, that is a necessary consequence of writing an anonymous book, and then associating on familiar terms with acute and inquisitive friends. If I am not a match for them in the light skirmish of colloquial attack and defence, I had better keep out of their way when I am laden with such a secret." Here we have a noble defence of the conduct of Beaumont, Burdsall, and Everett, in refusing to answer the question of authorship as to the "Westeyan Takings; and the Editors of the Magazine in this period of peril, from anonymous scribes, are boldly stepping forward to settle the minds and aid the concealment of all such; a subject which cannot be otherwise than grateful to the writers of the "Fly Sheets," and considered as peculiarly seasonable, to be thus instructed and supported in the midst of their labours by the Editors. Were the good men nodding at the time they inserted the above extract?"

self and his friends, and that no anxiety should be felt by themselves to shield others from suspicion. Take the case of Mr. Cubitt,* one of the Doctor's supporters, noticed, if my memory serves me, in the second edition of the first number of 'Fly Sheets.' The whole London District, though apprised of the case, passed it over. Aye, had it been any of the Doctor's opponents, what a feast it would have made. Even the authorship never seems to have been hinted in the case of George."

B.—"I am of opinion with D. that the proposal of the question, guilty or not guilty, to the ministers assembled, is an insult offered to every man to whom it is proposed, inasmuch as the guilt of authorship, in the way of implication, is imputed to him. Besides, look at it, in the common usages of the country: a person, who is more than suspected—actually taken up for a crime, is cautioned both by the magistrate and a common policeman, not to say anything that will criminate himself."

D.—"The straightforward course is, provided they should go to AUTHORSHIP before they go to the CHARGES, to name the man or men supposed to have written the circulars, and then adduce the proofs of guilt."

B.—"Are we not, in our remarks, taking a little too much for granted? Where is the proof that a PREACHER has penned and circulated these 'Fly Sheets?' It is no where admitted in the 'Sheets themselves. The Preachers, generally speaking, are open, honest, and confiding: and talking on connexional affairs, as well as the conduct and spirit of 'the powers that be,' communicate, both intentionally and unintentionally, of their abundance to their friends. Why, I could fill a volume myself with interesting matter, which I have received in my intercourse with Preachers, whose hearts are oppressed with what they see and hear."

C.—"Besides we are to suppose, that the PEOPLE have neither eyes nor ears? If they were ever alive to abuse, it is now."

A.—"I recollect a case connected with a personal history of the late Mr. Richard Watson, which associates itself in my mind with the present, and which

* The speaker refers to p. 25, 26 of the second edition of No. I, where the liberal treatment of Mr. Cubitt, is contrasted with the scurvy treatment of poor John Overton; the Connexion being swept, and the cream taken off, to pay the debts of the former, and the latter left to shift for himself; the one shielded from censure, and the other exposed to rebuke and suffering. But the London gentry, fat and well-favoured as they are, are always ready to dip into the pockets of others to relieve themselves. We have seen a circular, since this dialogue took place, issued from a meeting composed of the London Preachers, with the venerable Richard Rogers in the chair, called for the purpose of taking into consideration the case of a supernumary, Mr. J. W., whose case was represented to be "one of peculiar distress," being involved in debt to the "amount of £290." Poor Jonathan must be exposed by printed circulars, John Overton must be dropped from the Minutes, and the case of George Cubitt, with liabilities amounting to more than both, must be concealed, and himself preserved in all his honours and emoluments. The circular goes on to state, that the Conference should be recommended to adopt, if possible, some very stringent measures to prevent Brother W. from going into debt." No, "stringent measures" in George's case! No, no; George belongs to the clique. What would the Centralizers say, if other Districts were to do so? If, in any of the other Conference towns, such a case had come before the brethren, they would have proceeded to work out the relief of the brother in their own circuit. The precedent is bad, and the act itself is mean; but nothing stands in the way of Centralized Seculars. We ask too, what right the London District has to move the whole Connexion to take steps to relieve the Irish? We do not object to the charity; but we object to the power which the London District claims, and seems to take as a matter of course, to do such things of its own accord. The procedure is not to be referred to the presence of the President; for if he had been resident in Liverpool, it would have been the same. The Perpetual Dictator is resident in the metropolis. We do not attribute too much to Doctor Bunting in styling him the PERPETUAL DICTATOR. The President—Mr. Atherton—in a letter to Mr. Rigg, on Mr. Caughey's case, dated "Nov. 11, 1846," commences with—"Dear Sir,—I thank you for your courteous notice. I had intended to do something of what you suggest, when Doctor Bunting returns to town." Nothing can be done without the advice and suffrage of Doctor Bunting! A stern whip is even compelled to bow to him! The Conference, on such shewings should not allow the President to leave a country circuit for the metropolis. No man is safe in the presence of the Dictator. He is certain to be sold. "My father can hook you all!" Poor Atherton, where is thy boasted independence!

shews how that great man would have acted on the interrogatory system. He was invited, when among the Kilhamites, to preach the Anniversary Sermon on behalf of the Stockport Sunday School. It was discovered in the interim, that he was suspected of being the author of "The Book of Kane," in which old Mr. Matthew Mayer, and some other Stockport worthies ludicrously figured. Joseph, the son of Matthew, was head man in the school; and to satisfy a few scruples, Mr. Watson was interrogated on the subject of authorship, combined with a gentle hint, that if he were the author, his services were to be dispensed with. Mr. Watson wrote an indignant letter back—somewhat similar, I should suppose, to the letters of Burdsall and Everett to the Conference,—telling the interrogators that he owed them nothing—that they were seeking an obligation at his hand—that he had none to confer—and, therefore, had no answer to return to their question."

The value of these sentiments will be found in the impression which they are calculated to make on the Buntingian party, who are not likely otherwise to hear in what position they stand, and what views are entertained of them by a large portion of the preachers and of the people; and they shew too the depth of the impression already made, in the strength of many of the expressions employed, and so far support our statements on the subject of "RECLAIMED GROUND." It cannot be supposed that such sentiments, on such a subject, have been expressed by so many lips—mostly preachers—without feeling,—that such feeling could be called into existence without a cause,—or that it can remain in operation without effect! If men will be so infatuated as to think so, let them take the consequence.*

We had intended, by way of strengthening our position, to offer a few remarks on the conduct of the United Committees, which met in London, April, 1847, on the Educational measure brought before Parliament. When Sir James Graham's Factory Bill was before the public, preachers and laymen, from different parts of the kingdom, were invited to attend; and not less than 200 representatives of the people were present on the occasion. On the occasion of 1847, to which we now refer, we have Doctor Bunting's narrowing system carried out. When the friends of the Bradford East Circuit sent Mr. Haydon, their worthy superintendent, to represent their opinion, in a protest against the measure, he was scowled upon by some, and found it difficult to gain admission at all to the meeting. Why was everything done silently? Why was a promise of secrecy imposed on all its members? Had the hundreds of thousands of Wesleyans out of doors nothing at stake? To say that the Committee represents the people, when they thus studiously hide their intentions from them, is a solecism. Why were not the views and decisions of these Committees laid before the people? The course to be pursued by a Committee representing a large body is, frequently to give opportunities for the interchange of sympathy and opinion with their constituents—to communicate freely and fully with them—and, at every stage of their labours, to make the fullest statements of their progress. Especially, should any new feature of the case turn up, is there a double necessity for communicating it to their constituents, and taking their sense on the subject. But here we have two comparatively small packed Committees, chiefly composed of Dr. Bunting's friends and favorites—sitting with closed doors—under promise of secrecy—trifling with the interests of the people—deciding on nothing—and finally letting the people into the secret of their non-doings, at the last hour, when there was no time to give expression to public opinion, either for or against the measure. The Dictator in his dotage! Men of Israel, get rid of every Buntingian Committee.

By order of the CORRESPONDING COMMITTEE for detecting, exposing, and correcting abuses. London, Manchester, Bristol, Liverpool, Birmingham, Leeds, Hull, Glasgow, 1847.

FLY SHEETS, FROM THE PRIVATE CORRESPONDENT.

No. 4.

RESURGAM.

Nec habeo, nec timeo, nec curo, nec careo.
Neither have I, nor fear I, nor care I, nor want I.

"THE FLY SHEETS MUST BE PUT DOWN."—*Doctor Bunting, at the Conference of 1847.*

Are they put down? The appearance of No. 4 of the succession is our reply. They are not put down;—that is evident. They will not be put down; to this we pledge ourselves. When the evils complained of and denounced in these are cured, and our beloved Methodism is freed from the location, centralization, and the secularization which have enfeebled and embarrassed her, then shall our pens be laid aside. Till then, gentle reader, be assured, that as certainly as the Roman senator closed every speech he made in the senate with those ominous words—*Carthago delenda est*,—*Carthage must be destroyed*,—so with calm indomitable fixedness of purpose, will we continue to expose and write down a system of Favouritism and Selfishness which, doomed by its own inherent evils to fall in pieces, will have its destruction accelerated by the force of our Fly Sheets. The roar of the dictator does not affright us; the inquisitorial measure of "The Test Act" has not ensnared us; our pens are our own; and, in pursuance of our former labours, we proceed, with undiminished strength of will, to drive the nail further up to the head.

It is a fact, to which we refer with great satisfaction, that amid the heavy censures which have fallen on us, no one has dared to say that our *facts* are *fictions*, and that our *reasonings* are *sophisms*. Their truth in the one case, their force in the other, is their power. We have thrown down the gauntlet; we have challenged refutation; for more than two years we have kept the list open. No Knight-errant has appeared; no defender of injured virtue and oppressed weakness has lifted his lance against us. Restless anxiety there has been to discover the authors: and threats of actions at law on their detection; and prying investigation into, and comparison of type and execution; and great swelling words of vanity in the forum; and un-English gagging bills to be followed, if good luck would have it, by heavy pains and penalties. But refutation there has been none attempted—absolutely none; no, not in the Watchman, so ready a tool for any proprietary work; no, not in the Magazine, though its editor must have longed and sighed, and groaned to enrich his pages with a refutation; no, not in the Minutes of Conference, though these have been so absolutely in the hands of the clique; nothing in the shape of a refutation has appeared. Why this expressive silence? Is it the calm bearing of conscientious rectitude? or the dignified indifference with which sovereign majesty pours its contempt on malignant but imbecile assailants? Or, is the clique deserted by its friends in its extremity, and does no man care for it under the heavy censures which, we confess, are found in our pages? The clique has its friends. Osborn and Co. have shown their goodwill towards the assailed; and had it been as easy to accomplish the refutation of the "Fly Sheets," as they were willing to stoop to the office of servitors of the Inquisition, depend

upon it, that, instead of a harmless declaration that missed the mark, the public would have been favoured by these chivalrous brethren with an unanswerable reply to our reasonings, and a triumphant demolition of our facts. No refutation has been attempted—for the most weighty of reasons—*no refutation was possible*.

Most sincerely do we wish that there had been no personalities in our Fly Sheets. Measures, not men, have inspired our movement. A system, not the originators and supporters of that system, is the object of our assault. And could we have ripped up the system in all its evils, and kept its authors and abettors out of the reach of our dissecting instruments; could we have drawn the curtain from the evil, without exposing the men who so long have stood behind the scene; we would have spared the men, while we laid open without pity their measures: we would have smashed to atoms their Moloch, while not one hair of their own head would we have touched. But this was impossible. We must have abandoned our object altogether, had we resolved to give no pain to any one individual. The men were implicated in the measures;—the abettors were the very life and soul of the system. No weapon could reach it without piercing *them*. This was our *misfortune*, but their *fault*.

We saw a system of misrule in our body, growing into vast power and giant proportions, producing disunion, disaffection, discord, murmurings, alienations, heart-burnings and threatening the ruin of a system of truth and holiness, to which we were indebted for, and to which we have devoted our all. Our mind was made up. War with this system of misrule we vowed—a war of extermination—a war in which no quarter would be given. We have resolved to write it down: we know that we can. Our shot hits. Already has it told upon the system. Our opponents cannot conceal the fact; and some of them have been known to acknowledge as much. Our blows though aimed directly at the system, strike hard on a few individuals. We cannot help, though we sincerely regret this. They have placed themselves in a false position—in the forefront—and when our lusty yeomen let fly clouds of arrows from their trusty long-bows, the van are the first wounded. But this is no fault of ours. It is one of the sad and stern necessities of the righteous war in which we are engaged; and to which, whoever cries out “wounded,” we will stand staunch till the field is clear and the Conference free.

In doing this, the authors and abettors of the system come in our way. We cannot avoid meeting them. Nor think we that they are entitled to so much homage, that, to spare their feelings, we must intermit our labours. We scarcely crave pardon for saying, that the men, in themselves, would not attract our notice, or occupy our pens. It is their power of mischief which alone makes them conspicuous in our pages. It is because they have built their own name into the masonry which they have raised—because they have cut but their own name in bold relief which tells who are the founders of the inquisition—it is on this ground alone that they figure in the “Fly Sheets.” But for this, they had never gained our notice. In using these strong terms, we are not speaking of them as ministers of the gospel, but simply as ecclesiastical persons,—as the administrators of Methodism.

THIS IS OUR “APOLOGY” FOR OUR PERSONALITIES.*

We proceed with our work. And here let us remind our readers of what we have already done.

1. We have infixed in the minds of the preachers generally, this point:—*there shall henceforth be no re-election of the President of the Conference*

* The personalities have called forth expressions in public of sympathy. But of what value, in many cases, is this public mourning, when in *private*, the justice of many of the charges has been admitted by the mourners themselves? Crocodile tears are not precious pearls.

Till the publication of No. 2 of the Fly-Sheets, this matter had scarcely been discussed any where or by any one. It seemed to occur, as a matter of course, that the Presidential Chair should be reserved for a very elect few; who, for life, as often as the constitution of the body would allow, should engross this honour to themselves. No. 2 was a bomb-shell, thrown into this coterie of Presidents elect. It exploded for ever the idea of the Presidential Chair revolving in regular but extremely limited cycles. The new idea spread like the light of the morning. It is amazing how it recommended itself to the judgment of candid men. Every one wondered that he had not before seen the matter in the same light. Newton's theory of gravitation made not more easy and general progress than did this new theory, that there are as good fish in the sea as any that have hitherto been taken out of it. And, what is more, this principle will never be eradicated. A problem of Euclid once demonstrated stands demonstrated for ever. Euclid has not more clearly and satisfactorily demonstrated one problem, than we have demonstrated "the impropriety of re-electing to the office any who have filled it, while there are others equally eligible, as to qualification, who have not yet been so honoured; as in this case,

- (1.) The honours of the body are denied to those equally entitled to them.
- (2.) The respectability of the body is prostrated.
- (3.) The liberties of the body are jeopardized.
- (4.) Re-election, like repetition, is no exaltation: it being merely another dish of the same meat served up in the same way.
- (5.) It is a flagrant injustice to others of equal, and, in many instances, superior claims to the persons elected.
- (6.) It is unnecessary; as there are other men to fill the office, and that most creditably and honourably.

These reasons, *we know*, have induced many preachers to declare themselves against the re-election of any man to this office; and it is not credible that they will abandon the principle. They have crossed the Rubicon. The leaven is in, and cannot be got out. Light has been diffused, and cannot be gathered in again.*

* The extent to which this opinion prevails, and the strength of hold which it has taken of the brotherhood, will be severely tested at the approaching Conference, when Doctor Newton becomes eligible for office a fourth time. Various pleas, we know, are assigned, even by such as are won over to the non-re-election principle, why, in this instance, and in this only, it should have the go-by.

"If any man deserved this distinction, Doctor Newton deserves it." We cannot allow that any preacher in the body has either such peculiar qualifications for the office, or has such extraordinary personal merit, that he deserves the honour a *fourth* time, rather than another a *first* time. The reverend gentleman would humbly shrink from the supposition that he is more worthy of this honour four times than others of his brethren once.

"If Doctor Newton has not the chair this year, then it will go down in the history of Methodism, that Doctor Bunting alone had the distinction of the Presidency for the fourth time." This plea supposes that this four-times occurring election is now seen to be an evil. Will the preachers, who now regret its occurrence, on this very ground, repeat the evil? This will be an extraordinary mode of expressing an opinion against an evil! Our reply is, Let Dr. B. be the only man who has ever filled the Presidential Chair a fourth time. Let the system begin and end with him. Like Louis Phillipe, let the system of aggrandizement and selfishness which the Dictator has sought to establish find in that Dictator its Alpha and its Omega. It will be a beacon for all future Wesleyan legislators, and constitution makers.

"Doctor Newton was so abused at Hull by the friends of Caughey, that in this instance, we should make an exception to what heretofore must be the general rule." We are, indeed, surprised at this plea. The set off against it is—For years he has had a unique honour—that of an extraordinary commission to have no circuit duties except on the Sabbath day. For years he has been the Permanent Secretary of the Conference—once he has crossed the Atlantic as the Representative of the Wesleyan to the American Conference—and thrice has he already filled the Presidential Chair. Surely this is honour enough from his brethren; and may be placed as an atonement set off against any measure of dishonour which his friends may suppose he has received from another quarter. If not, what will suffice? When will his friends have sense to cry, "Enough, enough!" This is not all; but we really marvel that any wise man should draw a practical inference, viz.:—that it is seemly to make Doctor Newton President *at H.* because of the people withdrawing their favour from him, in consequence of the part he took against Mr. Caughey. It is the old tale over again. Gilmard was to be elected at Leeds, for his son's boniness in the case of the

2. We have exposed the evils inherent in the modern system of *location*, *centralization*, and *secularization* in Methodism.

Of *location*, we have shown—and who in Conference, or out of Conference has been venturous enough to dispute our position?—that it is opposed to the spirit and practice of our venerable founder, prevents a fair distribution of ministerial talent; excuses ministers of Christ, moved of God to preach the gospel to perishing sinners, from delivering more than one sermon in seven days throughout the year, these ministers being the very men who have most to do with ordaining young men to the ministry, and with urging on them the solemn and tremendous obligations of the ministerial office; is injustice to those brethren who bear the heat and burden of the day, experiencing all the inconveniences of the itinerant life, and thus increasing the tendency to dissatisfaction with an itinerant ministry; cools the warm melting compassion of a minister travelling

organ; and Stephens was to be set on high at Manchester, after he had rent the church there by his ultra toryism. The *people* must be trodden upon and triumphed over by the *priesthood*. Our opinion is, that God never intended that the governors of his Church should be like a set of *pilots*, to steer the consciences of the people in what direction they please. Besides, what will the *Hull friends of Conghey* (and he has many there yet) think of the party who set up this plea, and wish to ride in paltry triumph over them in this way? Will it smooth down their prejudices? Will it give them an exalted view of the Christianity of the brethren, if they see them elevating a *thrice-chaired* Doctor to the chair again,—not because they dare pretend that he has any *remarkable qualification* for it,—but *simply out of spite to them*, because, on one occasion they chose to make a poor collection? We would draw the very opposite conclusion, and say, Make him President any where rather than Hull.

"It will go near to breaking R. Newton's heart if he be not re-elected this year." We are loath to believe anything of the kind. We would not have named it, though we have heard it from some of his own friends, only that, on the supposition that it is a libel on him, it serves to shew up the vileness of the system against which we take up our pens. We do not represent this plea as the statement of a fact. We hold not the reverend gentleman to have so overweening a vanity, and so overwhelming, and immodest, and immoderate self-esteem, as to suppose himself hurt and injured because he has not for the fourth time the Presidential Chair, when such men as Fowler, Beaumont, Haswell, Lomas, Walton, Methley, Crowther, &c., have not had it once. Well may the reverend gentleman exclaim, "Heaven, save me from my friends!" for we cannot conceive of anything that can do him more damage in the connexion than to circulate it, as a plea for breaking through the non-re-election principle, that if it be not done, it will go near to breaking the heart of him who has had the honour three times. If it were so—we reason hypothetically—if it were so, then, certainly, we should say, that a stronger and sadder instance of the evils nourished by the system of misrule and partiality could not be afforded in all its annals! And the plea, if true, would, with us, be a most powerful reason for keeping him out of the chair; as furnishing the most lamentable and distressing evidence possible, that the system has been a hot-bed of vanity, littleness, and selfishness, and has induced a hankering after honour that nothing will satisfy, and that makes an act of justice to the many appear an insult and an aggravated wrong to a petted favourite.

"If Dr. Newton be re-elected this time, we will consent to oppose re-elections for ever after." To this, we have heard it replied. Re-elections are either right or wrong. If the former—Why not more of them? If the latter—Then why should we have this one? Verily, tyranny and toryism are destroying our morality as they are polluting our piety!

"If Dr. Newton be elected we shall have a change in the seat of government, for his lady *will* have a country residence." Sturdy unmistakable opponents as we are to Centralization, and glad as we should be to have a hiatus produced in it, or to change the figure, an interregnum, by the election of a President who would put his veto upon a London appointment, (and we have heard that, at the last March Quarterly Meeting for Stockport, Doctor Newton did venture to say, that if he should be President, he would not leave the circuit,) we should think that we were paying too dear for our whistle.

We add, that if Doctor Newton be elected, *he excludes three worthy brethren for ever* from this honour. Can he approve of this? Will he not, on reflection, say it would be wrong?

Our readers will, no doubt, have seen the old blundering "Watchman" of June 14, of the current year; where, in a leading article, he gives a Sketch of Dr. Newton, after the manner of the "Wesleyan Takings," and argues in favour of a *fourth* election; an article, however, exposed in two or three smart letters in the "Wesleyan," the week following, viz: June 22. This act of the "Watchman" is a fatal one to his own party. It first necessitates the thorough sifting of the whole abstract argument for re-election. Secondly, the "Watchman" is the first to drag in the question of personal fitness, so far as Dr. Newton is concerned. Thirdly, he takes away one of the chief pleas which was beginning to be used by his friends,—"*I deny the right of a newspaper to discuss this delicate question, and shall withhold my vote from any one so brought forward.*" Poor Doctor Bunting, where are thou now? Thy favourite "Watchman" has been "off his beat!"

The vote for President is by ballot. No man can be marked for his vote here. Let all non-re-election men black ball at Hull the old system for ever.

in birth for souls, and transforms him into a clerk, a financier, a statesman, anything but one in whom is "boundless charity divine;" makes his occasional ministry a burden to himself, and insipid to his hearers; becomes a most fearful engine of intrigue, and thus forces one on a reluctant people, and excludes another who would be received with open arms by the many, but who happens not to be one in whom the located can confide; and, in fine, makes a preacher, instead of adopting a habit of self-denial, and living only to do good, seek a snug birth, where he may roost in a well-feathered nest, and live upon the best clover for life. Are not these evils? Can their consequences to the body be exaggerated? Have we not shown them to be inseparable from the policy of Doctor Bunting? See No. 1, p.p. 5—17.

Of *centralization*, we have shown it to be a vortex, engulfing every interest of Methodism, as the Maelstrom sucks in every vessel afloat in its vicinity. On this point we have used strong terms. But who has ventured to show that our terms were misapplied or immoderate? We retract not one word; if possible, we would confirm and strengthen all we have said. We have shown that it leads to *tyranny*,—enabling one party to ride rough-shod over the heads of another; to *pride*,—both in the titles and the state it gives to the elect few; to *partiality*, to one man having £500 and another £200 for pretty much the same amount of work—while arrangements are systematically made to put their own men, or their own tools and puppets, in the best circuits, on the most important committees, or in the most influential or distinguished offices: such men as Cubitt, T. P. Bunting, Alder, and Bennett, figuring away in them much more frequently than such men as Bromley, Dunn, Fowler, and Stanley, sen.; to *misapplication* of Public Funds,—of which we have given several strange and uncontroversible instances.* To those who have charged us as slanderers and makers of a lie, we ask, Do not these evils grow out of the system? Are we imputing to it what cannot be affiliated on it? And, who are enemies to Methodism? Those who have brought these swarms of evil into being, or those only who have brought them to light with a view to their annihilation?

Of *secularization*, its evils we summed up in one sentence. "*This endangers their souls.*" Being located, and constituting a centre towards which money is constantly flowing, and where matters of finance constitute the grand staple of their business and conversation, scarcely anything, save that which is worldly, is permitted to come over their spirits. Men, though ministers, if steeped in secularities most of the year, must be more than men, if they maintain spirituality of mind amidst these worldly associations.

3. We have proved that *there exists a settled purpose of centralizing everything in London.* Nothing can be done for Methodism but in London.† The

* In the same number of the "Wesleyan" for June 22, 1848, already noticed, there is a striking "TABULAR" view given of the MISSIONARY DEPUTATION; showing a reckless want of *Economy*, and the most glaring *Partiality* in the appointments: 17 men, in the course of *six years*, being appointed on deputations, *twice*; 9, *three*; 15, *four* times; 15, *five* times; and 31 *six* times!! It appears, also, that in 1847, *thirty-two* men, were destined to travel 16,050 miles on their several deputations, exclusive of journeying to and fro in the various Districts; and the whole Deputation, comprising 78 preachers, had to travel a distance that would much more than have compassed the whole earth,—the circumference of the globe under the equator being only 24,951 miles. In most instances, better and more effective men, systematically excluded from these deputations, might have been found; averaging not the twentieth part of the *distance*, and at a comparatively trifling *expense*. We hope our readers will advert to the Table, in support of the fact—That we do not complain without reasons.

† Time was, when it was stated, that Paris was France. In the same sense is the Centralization system in London to be considered in reference to Methodism. But the same *measures* that destroyed such a state of things in Paris, will destroy Centralization in London. There is a power at work which will give fresh energies to Methodism, and pour the warm blood of life to the extremities of the body. The elective franchise will not be confined to a clique, a committee, or any number of committees.

utmost jealousy is shewn by the clique, if it be attempted to draw away from London to the provinces. We need say no more than we have said to show how unfavourable to the liberties of the body this is. And we beg and entreat the preachers well and carefully to weigh what we have written on this matter.

4. We have shewn that *when a man has wriggled himself into office, he somehow continues to stick there much longer than he is useful to the body, creditable to himself, or acceptable to many of his brethren*; probably to a majority of them, if their votes were so taken that their individual decision was not known. Once in office, some become fixtures there; and any attempt to move them is at once construed into an insult and a wrong. They treat the intruder upon their position as if he were invading vested rights. No pensioned defender of a sinecure office can show more sensibility or irritability, when a reformer purposes to cut down the pension list and to abolish sinecures. They are the fit persons to fill office;—and none but they.

5. We have shown that *the various Connexional Committees have been formed on the most manifest partiality and exclusiveness*.^{*} The same names occur everlastingly on the numerous committees. It would seem as though there was an awful paucity of men of ability and character in the connexion. Take away some five and twenty preachers, and the inference from the names on our Committee is, that the rest the body consists of men who are mere ciphers, who cannot be trusted in any degree with the management of our concerns. These are the men, and wisdom will die with them. Pity, for the Connexion's sake, that we cannot procure for them an elixir of immortality. When these permanent fetters of the body are removed, what desolate orphans we shall be! The prospects of the connexion are awful, if these men may not live, if not for ever for ages![†]

^{*} A striking instance occurred at the last Conference. A Sub-Committee on cheap publications was appointed to act during the year. Doctor Bunting quietly wrote a list of the Committee, and handed it to the President. Doctor Beaumont proposed that Mr. Dunn should be on the Committee, he having acknowledgedly fit qualifications for that department. But the sturdy Cornishman is no pet of the Great King, who immediately opposed it, saying that it was the President's place to nominate. Beaumont immediately floored him, by saying, that if it were it was the Conference's act to appoint, and he still proposed Mr. Dunn. The wily intriguer, who is never at a loss to find a reason for excluding whom he reprobates, changed his tack, but steered for the same point of the compass, by saying, "It is not well to take persons from such a distance, *because of the expense*!" Note 1, Bunting was the nominator; the President being only, in this instance, his organ. 2. Vevers, Osborn, and others, at a greater distance from the place of meeting, were not objected to, though the expense would be greater in each of these cases. The Doctor's plea for economy is about on a par with his love of reform: of each he approves, if it damages a foe, or serves the London clique. Through the management of Doctor Bunting these Committees form a kind of *CIRCUMVALLOCATION* round the Conference; not only transacting its business, in the way of *ordering, disposing, and appointing*, but absolutely *intimidating*, and preventing men from approaching Conference with their *bequests and grievances*. The Conference, as such, is a mere *name*. The whole of its important business is transacted by Doctor Bunting's *nominees* in the different Committees. The grand work of the men who compose the clique, is to *propose* and *help* each other into *circuits* and into *office*, and to keep each other in them as long as *law* will allow, and beyond the time common decency will admit. Since last Conference, some closetoonversation escaped from the place in which it was uttered, respecting an attempt to force Mr. Scott on Queen Street; the leading men of the circuit expressed their dissent. What was the reply of Dr. Bunting, on hearing of their opposition? "If Mr. Scott cannot be kept in London, I will leave it." What a calamity! Rather, what a mercy to Methodism, if he had never had but one three years' station in the metropolis! But look at the self-conceit of the threat, and the aid lent to each, *by* each, in giving permanency to office!! It is the opinion of Doctor Bunting, that London cannot do without his services; and yet he talks of retiring from the work!

[†] It will be seen by reference to the Minutes of last Conference, that Mr. Bromley was placed on the Missionary Deputations for the first time. It is generally acknowledged that the Fly Sheets obtained for Doctor Beaumont his triumphant admission into The Hundred. Did they obtain for Mr. Bromley his deputation honour? There is some hope when the

6. We have shewn that *those who are for ever lauding Mr. Wesley's plans and proceedings, are as constantly and effectually perverting them* by squatting themselves down on one spot for life, carefully avoiding the proper work) in Mr. Wesley's opinion) of a Methodist Preacher, and making their official seats, on one respect, like the Lord Chancellor's, easy as a wool-sack. Methodist Preachers resident in one town for 15, 20, and even 30 years!! And these are itinerants! These the admirers and eulogists of Wesley! These the great pillars of Methodism! Why, if their example prevailed, itineracy would at once cease, and, had we but funds on which we could depend, independently of the people, a race of Methodist Preachers would arise, whose like would not be found in the Wesley's, Whitfield's, Nelson's, Pawson's, of a golden age, but in lazy fattening rectors, and obese dignitaries of an established church.

7. We have shown that *the cost of the Mission House is excessive, averaging or each Secretary £500 per annum.* We have asked why four Secretaries, and one lay-agent, besides clerks, are necessary in the Wesleyan Mission House, when two Secretaries can transact the business of the London Missionary Society? * And who has given us an answer? We have asked, why an independent committee of examination of the expenditure of our Missions has not been appointed, similarly to the one that made so searching and satisfactory an investigation of the London Missionary Society's affair? And who has given us an answer? †

circumstance, however, especially if a conversation reported to have taken place between Doctor Bunting, John Scott, and another preacher be correct. This last stated to these two worthies, that, in his judgment, it was a pity that Bromley had not been appointed to London, as some popular men were wanted there. Doctor Bunting replied, that "if Bromley had been an honest man he would have left the Connexion long ago." [An unjust, unfeeling, and cruel remark which he made at Conference when Mr. Bromley's invitation to Southwark was under consideration.] John Scott chimed in, and said, "Mr. Bromley must not come to London. We have no confidence in him, and no man must come to London who has not the confidence of the leading men." What audacity! What presumption! What excessive vanity! What contemptible arrogance! So, forsooth, unless a man have wriggled himself into the favour of Bunting, Scott, Clique, and Co. he must be excluded from a London appointment, be his talents, his acquirements, his fitness, what they may! Are none but their serving men to occupy the London circuits? Is London to be a rendezvous for their myrmidons? Is their petty-fogging conduct to be the guide to the Stationing Committee? Whatever qualifications the Head of the Church has given to man, are they less than nothing in that man has the inexpressible misfortune not to be a pet of the Mission House? And yet W. B. Stephenson has a London appointment! Ergo: he has the confidence of the London Clique!!!

* Doctor Alder could be spared for some months; professed illness took him some months to another place for the good of his health. It is not for us to state what influence the GOVERNOR'S table at Canada had upon his constitution; nor are we disposed to enter upon the opinions and reports of the Canadians on the subject. We happen to know, as well as the gentleman from whom we have quoted in a preceding note, that Dr. Bunting has not been seen at the Mission House, on different occasions, for lengthened periods together, and that three of the Secretaries—learned Doctors of course—have been missing at once. There are other places, besides "*Chapels of Ease*," connected with the Church.

† An excellent letter appeared in the "*Wesleyan*" of June 22, 1848, entitled, "The Mission House and its Management," in which the writer, from items taken from the Missionary Reports, enters into a statement of the average allowance of the Missionaries, and compares the same with the allowance granted to the Secretaries, &c., at home. The writer observes, "I have found, on perusing the reports from the mission field, that the Missionaries in Jamaica and elsewhere, have been called upon to give up a portion of their hard-earned salaries, even, perhaps, when privation and sickness were their every day companions. I find their income averaged:—in Van Diemen's Land £193; in Hudson's, not £200 per year; and in other districts not so much; while in England, the *lay-agent*, who does just the work of a city missionary, exclusive of travelling, has £377 14s. 1d. The town Secretaries had among them the sum of £1356 13s. 8d. *last year*, besides *travelling expenses*. Let the Committee think of this, when they call upon the Missionaries abroad to retrench; let them ask the Secretaries to begin at home. He proceeds, "Is it too much to ask, that a Committee be appointed, of gentlemen actively engaged in the Missionary cause, but not connected with the officials at Centenary Hall, to examine into the accounts, and to report to the subscribers what reductions ought to be made in the office and in the salaries of the Secretaries. The London

We have stated that whilst the Missionary Secretaries have cost the society £2,000. annually, the labourers abroad have had their salaries cut down, their smallest items of incidental expenses most unmercifully examined by this lordly board, and reductions in the income of our heroic self-denying Missionaries made to such an extent, that some of them have, to our knowledge, bitterly complained; and yet, while all this close shaving is going on abroad, by orders from Somerset House, Dr. Alder, forsooth, is allowed to travel by post-chaise, in first-class carriages, and to put-up at first-rate hotels; and we have asked plainly, "Is this right? Is this just?" and not one of the well-paid functionaries to this moment has dared to give a reply. Why? The Secretary knows too well, that the facts are undeniable—that the facts are notorious—that if he were venturous enough to give them a denial, we should give time, place, date, inn,—every detail: aye, even to the expensive bills themselves, with their curious and suspicious items; not excepting cases since last Conference

8. We have shewn,—and once again we challenge the clique, aided by Osborn and Co., to a refutation, to a denial, or to a vindication, of the charge, that *the grossest partiality has been shewn by the dominant party in cases of discipline, when the delinquent has been from their own ranks*. Witness the infamous case of Cubitt, as contrasted with Overton;—the latter a fifty pence debtor, with many extenuating circumstances; but in his case the law must take its course: no shield of power is thrown before him. The former is screened, is aided, is elevated into the rank of Editor: but, then, he belongs to the party in power;—he is subservient: he is a tool;—and, after such a lift out of a dirty ditch, he must be the abject slave of his deliverers. And yet this man, at the last Conference, had the audacity to say, that the writers of the Fly Sheets were villains! Has the man any sense of shame? Has he bronzed his face to insensibility? Yet, what weakness was there in his rashness: and what pusillanimity in his bravadoing! Did he deny his large debts? Did he affirm that it was righteous to ship poor Overton from the minutes, and retain for himself the Editorship? He shirked the whole matter, came not to the case which he best understood, and sat down the more contemned by many who witnessed in astonishment his audacity; and inferred, how little virtue could exist, when so little shame was manifest! *

9 We have shewn that *in the distribution of office the same shameless partizan partiality exists*. It does not ooze out. It does not sneakily peep out. It is unblushing. It is open. Emblematic of the presumption of the clique, it is stamped on all their proceedings. Their partiality wears no guise,—is put under no bushel. Did no other evidence exist, the official position given to that pert young man, Charles Prest, would carry our point. We have put the question; and though we have had no reply, we repeat the question: Is it right that C. Prest should be loaded with fourteen official appointments, while a Steward is hunted out of London for his righteousness; a Burgess is excluded from office because he lays not his literary powers and scholarship at the feet of a dictator, who, in these points, cannot claim so much as equality with him; and a Burdsall, an Everett, a Dunn, are branded before the whole connexion by their systematic exclusion from every official distinction? Is it creditable, that Doctor

and Baptist Missionaries have passed through this ordeal: why should the Methodist escape? The labourer is worthy of his hire; but why should the labourers(?) at the Mission House have double the salary of the London circuit preachers or the foreign Missionaries? Do they work harder! Are they more zealous, devoted, holy? Again, why should so many be required? Cannot two, or at most three do all the work that is nominally done by four? Can any one going on business to the Mission House see any other than Mr. Hoole? Where are the three D. D.'s? Are they engaged in their rooms, or are they found snugly at home?"

* For the last few years the London District has shown a pious horror of all debts that were not an exact *cubit* measure; which appears to be the sure standard of honourable insolvency, and legitimate excess of expenditure above income.

Beaumont, who is courted by all parties, and has spoken for others at *Exeter Hall*, should never have been *once* asked to speak *there* at one of the Anniversaries of the Wesleyan Missionary Society? We say, *not once*;—for we happen to know the secrets of the Committee meetings, and the mind of the clique on this subject as well as on others! These enquires, we know, pierce with dagger force the minds of the clique: they penetrate like snow water their mackintosh-like consciences. They know that they cannot justify and vindicate their partiality: they know that they are vulnerable here at all points,—not like Achilles, in the heel only. Oh, no! They are well aware that "their whole head is sick; that from the crown of their head to their feet, there is no soundness at all." Every argument we have adduced, and every fact we have laid bare on this head, sticks in them like a lance plunged deeply into their sensibilities, the barbed head of which, broken off from the handle, is left rankling in the flesh. They wince—we know it—like the jaded horse. We know it. The clique are as much at a loss to account for our knowledge as the King of Syria was to account for the words spoken in his bedchamber being reported to the King of Israel. We shall not relieve their anxiety. Will they renounce their partiality?

10. We have shewn that the *stationing committee deserves the appellation we have given it*,—"THE SLAUGHTER-HOUSE OF MINISTERIAL CHARACTER:" Where character is assassinated, and years elapse before the man knows that the bowie knife has been plunged into it. Whatever misgivings some persons might have of the lawfulness of the Fly-Sheet system, no such misgivings can harrass the judgment of men, who, in the stationing committee, have done their brethren the most cruel wrong, and have not only kept themselves under cover, but have taken good care that it should not be known to the injured party, what insidious and vile efforts have been employed against them.

11. We have shewn that *the Nomination Committee is a mere instrument in the hands of the Dictator, and his tools for carrying their principles out in every department of Methodism*. By its means "the station-master" has his men everywhere; so that where he cannot himself be and see with his own eyes, he can exert his own influence and carry on his own plans. He thus is everywhere, and appears a compound never contemplated even in fable, uniting in one, and that one himself, the ideal character of a Briareus with 50 heads and 100 arms, and of an Argus with 100 eyes, only two of which were ever closed at once; and thus, by this monster union, he forms the *beau ideal* of a detective force in the police establishment. President Atherton, from the chair, declared the impolicy of "putting the same men on so many committees." Why a nomination Committee? Why? We HAVE PROVED that the only reason that can exist for it is, "That men may be secured for party purposes, and to carry out those purposes to the satisfaction of the ruling party." And no one has openly gainsaid our position. We have given a name to the Stationing Committee which will live: we venture to honour the *Nomination Committee* in the same way, as—THE ROTTEN BOROUGH of Methodism, in which the *nominees* of a lordly clique are to be found,—appointing other committees agreeable to the mind and will of the Dictator; the whole of which rule the Confidential Parliament.

12. We have shown that *the preservation of the liberties of the preachers make the use of the Ballot indispensable* in all decisions in which the unbiassed votes of the Conference are of moment.

13. And, to name no other of our good deeds, though we might extend the detail, we have gone calmly, earnestly, unanswerably, into the CORE AND CURE OF THIS MISRULE, as our readers well know, in No. 3, pp. 32—36. Here we have laid our finger on the very core of the evil, and have in plain English exposed it and in as plain English urged the only cure.

To all the members of the Conference, excepting those who deem themselves

First,—whether we have proved these several allegations? Have we been content with bold, reckless assertion, unsupported by evidence? Have we indulged in loose empty declamation? Are not our main facts taken from public documents? Could we have gone to better authenticated sources of information? In the grave indictment that we have framed against the Buntingian dynasty, have we not proved our case by testimony, in many cases, at least, the most unexceptionable?

Secondly,—whether we who expose the evils inherent in this system of misrule, or they who have planted this tree, so abundant in its evil fruit, are the enemies of Methodism? We who seek the cure, or they who have engendered the core of the evil? We have been called slanderers, fabricators of evil, liars, traitors, assassins, conspirators against the body, and ecclesiastical revolutionists; and our publications have been termed by him who doubtless writhes most under their truth, “Fly Devils.” But who are the enemies of Methodism? They whose whole administration involves intrigue, a struggle for dominant power,* the formation of a small but powerful party; unceasing enmities for unbending individuals, partialities which often promote the inferior, shield the faulty, patronize the upstart, encourage subserviency, exclude merit, discourage honour, cherish place seeking, inspire a love of ease, encourage official hauteur, and threaten to inundate the body with a spirit of secularity and worldliness? or they who would annihilate such an administration, and have all done in Methodism above board, in a spirit of brotherly confidence and respect, and with a view to the glory of God in the conversion of sinners? Members of the Conference! which of these are the enemies of Methodism?

Thirdly,—whether it is for your honour as a body that these allegations remain unrefuted? Is it not a suspicious circumstance, that any stir that has been made against the Fly Sheets, has aimed, not at the exculpation of the accused, but at the discovery of ourselves—the authors? Our detection would not have cleared them. To know who drew up the tabular statements, for instance, in No. 1, would be no justification of the items in the Missionary Reports in the Minutes of the Conference, from which those tables were taken. Had Junius been discovered, reform would have been no less necessary. Here we know it would not be less necessary that our charges should be investigated. And can the Conference, in honour, pass these allegations unnoticed? Will votes of thanks, and resolutions of confidence, passed without enquiry into these facts, be satisfactory to the Wesleyan public, creditable to the Conference, or exculpatory of the London clique? Will it not be in itself, overwhelming evidence that the Fly Sheets are no libel, except as truth is libellous? Is it usual for any body of men to sit quiet under such imputations, and hope that they have satisfied public opinion, and righted themselves with the world, by hastily passing complimentary resolutions? It is preposterous to suppose it. The ostrich burying her head in the sand, while her whole body is exposed, that she may escape the hunter, is not more silly than they who hope thus to wash the blackamoor white. And,

Fourthly,—whether you are satisfied with the system of misrule, and cordially approve of the expressive silence, which its authors and abettors have, for two years and upwards maintained, under charges that have the *prima facie* evidence of truth, and that must cut several of the guilty parties to the quick? We know you are not satisfied. You whisper here, and you mutter there your dissatisfaction. Already we have published some instances of it in *THE FLOAT-*

* About the year 1818, a caricature was published, headed, “Dissent too strong for the Church.” The occasion was Doctor Collier preaching in City Road Chapel with the Dukes of Sussex and Kent as auditors. The caricature represented an Abbey on one side, and City-Road Chapel on the other; Jabez Bunting climbing up a ladder to get to a bishopric, and the Archbishop of Canterbury with his pastoral crook tapping him on the head, while Doctor Clarke, passing on, cried out, “That’s right; pitch him down.”

ING OPINIONS to which we have given wings. [We are thinking of publishing another series of these opinions.] In those already in print, figure some who, though in the parlour, at the tea-table, when from under the surveillance of the Buntingian police, acknowledge that the Fly-Sheets are "too true, substantially true," yet affix their names to a declaration of their slanderous and vile character! We could give the names, but we forbear; as the poor fellows cannot at present afford to lose caste, and it may be the means of getting them into trouble, and of having them sent to some poor circuit next year; yet it is hard work to refrain from giving the lash to a whining, but fawning spaniel.*

A single attempt has been made to screen the clique from the severe attack of the Fly Sheets, and so annihilate in public opinion the effect produced by their publication, as damaging the Methodistic character of the alledged authors and abettors of misrule in the body. Justice to ourselves requires that we notice this solitary defence. To avoid the imputation of a consciousness that we are vanquished, we must look in the face this piece of ordinance, which alone has been discharged against us, and which as it has not hit us, seems either to have been fired by a sorry marksman, or to have been loaded only with powder—capable of making a terrible noise—but not with chain, grape, or even swan shot, and, therefore, most harmless—reminding us rather of a field-day than a battle-field.

As some of us anticipated, No. 3 aroused the misruling party. It could not altogether be unnoticed at the Conference of 1847. Something must be done; something was done; and that *something was worse than nothing*. The first blast of the war-trumpet—or rather the first roar of the blustering Æolus was heard in a preparatory Committee, when sundry of the assailed affirmed that there were "villains" in the Conference, and that they should be made "honest men of." In the Conference itself, one of the longest, stormiest, contests occurred which the walls of that conclave ever confined.†

A motion was made that a declaration should be issued and signed by all the ministers of the body, each denying that he was, or that he had any know-

* It is often said that when Dr. Bunting goes a great change will take place in the administration of Methodism—Alder, Beecham, and Co., will hardly have time to pack up their traps. When we hear this said, we are reminded of the severe reproach Demosthenes gave the Athenians, rejoicing at the news of the sickness of the King of Macedon. "His sickness, or death of what importance to you? Should any accident happen to this Phillip, you yourselves would instantly create another. For not so much by his own proper strength has he grown to this exceeding greatness, as by your indolence." Doctor Bunting has announced his intention to enter the Supernumerary list. This is an old cry, practised on suspicion of waning glory; and we shall believe it when we see it. It gathers his friends around him, who find their Methodistic status at stake, and who flatter his importance by urging him not to retire; he then, of course, is reinstated at the urgent request of the brethren. When Wellington retired from office, he left, as a legacy to the whole nation, a *curse to public morals*, by the introduction of "Tom and Jerry Shops." When Sir Robert Peel retired, he left Maynooth, with its pestiferous Jesuitism, as a legacy to the Protestant world, and the Income Tax as a legacy to the widows and orphans of salaried clerks, whose sole support was in the fingers and in the brain, at the writing desk; and when these ceased to act, all went. When Doctor Bunting retires, he will leave the whole of the grievances complained of in the "Fly Sheets," and in the "TEST ACT TESTED," as a legacy to the Wesleyan body. Here is his MONUMENT. The Dictator Sylla composed his own epitaph in these words, "No man ever yet went beyond him in doing good to his friends, or doing hurt to his foes." We leave the application to those who are disposed to make it.

† Our observations on this Test Act affair will be much briefer than we once intended them to be, as the whole matter has been most clearly exposed, and the utter failure of the Test attempt made manifest in an extremely calm, yet oft sarcastic tract of 50 pages: the title of which we subjoin, and the perusal of which we earnestly recommend to our readers—*declarations and anti-declarations: "The Fly Sheet Test Act Tested. Comprising Observations on the Inquisitorial Character of the Wesleyan Declaration of 1847, issued by the Revs. Messrs. Geo. Osborn, J. Hargreaves, and H. H. Chettle. By a Wesleyan. LONDON: W. J. Adams and all Booksellers."*

edge of, or had any connection with the author or authors of these Fly Sheets. Never was a graver mistake made by the friends of misrule. Wellington's anti-reform speech, in November, 1830, in the House of Lords,—Lord John Russell's declaration on the 23rd of May, 1848, in the House of Commons, that neither the working nor the middle classes desired reform,—was not a more unlucky event than George Osborn's pertinacity in bringing forward and persevering in this motion. For what was this motion? For a Committee to enquire into, and report on, the numerous and serious allegations in the "Fly Sheets?" For an early period during the sittings of Conference to be assigned to assail parties for disproving the allegations of the "Fly Sheets?" Nothing of the kind. Investigation was not sought; investigation was not wanted; investigation was dreaded: investigation was shunned. The proceedings were painful, but too small and too weak of white-wash; which, if it had been applied to the extent desired by Osborn and Co., would not have concealed the coal-black to which it was applied. Doctor Beaumont, Joseph Fowler, Samuel Dunn, distinguished themselves by the noble manner in which they denounced his inquisitorial attempt:—"Doctor Bunting is reported to have received £2000 from a certain party; I know not whether it is true or false; but Doctor Bunting knows. I am not called to fight Doctor Bunting's battles. Let him fight them himself," said the intrepid Beaumont. "I am called to declare that the Fly Sheets are wicked lies. I cannot: for it is well known that many of the sentiments therein have been mine for years," was the open avowal of Fowler. "If you send me to Shetland for refusing to sign this declaration, I am ready to brave its seas and its tempests, but I will never be a party to the establishment of an inquisition," said the independent, and long persecuted, but laborious Dunn. Several of the abettors of the system took part in the discussion for the purpose of detecting the authors. But, mark it, men, fathers, and brethren! Mark it:—*not one defended himself from the accusations; not one took the Fly Sheets into his hand, and seriatim noticed each in charge, and refuted, or even disputed it.*

Never had counsel worse cause; never was accused in a more hopeless plight. The attempt was not once made by counsel or by prisoner to assail the Fly Sheets by adducing the facts and disputing them. The sole aim of the clique and their instruments was, to detect the author or authors, if among the brotherhood. The Dictator himself stood on his character, and was content to allow judgment to be taken on this point alone. The smaller fry imitated him: the little wheels being in this case, as in all others, willing to be governed by the big wheel. On a division of the House, it was doubtful which side 'had it.' Twice were the votes counted: and so nearly equal were the friends and the foes of this inquisitorial measure, that it was doubtful—and, in the minds of many preachers, remains doubtful to this day—whether the ayes or the noes prevailed. The President,—after a suggestion that the House should formally divide and be counted had been rejected,—decided that the ayes had it.

Had what? Ay, 'here's the rub!' A vindication of the Buntingian policy? A refutation of the Fly Sheets? Anything but this. A moiety of the Conference decides that there shall be a declaration, declaratory that the subscribers are not the authors of these Sheets! That's all! And does this satisfy high-minded men? Does this give clean hands to the parties accused? Does this falsify our statements on the evils of Location, Centralization, Secularization? Does this disprove our charges of selfishness, exclusiveness, partiality? Does the *slaughter-house* disappear before the vote? Does the *Rotten Borough* now crumble into dust? Is the extravagant expenditure of the Mission House annihilated by this stroke of policy? Can the heaping of fourteen offices on

† "When the 'John Wesley,' respecting whose launch, fitting out, and sailing, we had such flaming accounts in the Watchman, was at Southampton, the Missionary Secretaries went

Charles Prest, and the exclusion for years of men in every respect his superiors, (except in impudence,) be vindicated by this vote? Is this a triumph? Is it not rather a defeat? Does it not concede the truth (in the main) of the "Fly Sheets?" If the parties were wounded by the "Fly Sheets," is this vote a mollifying ointment? If their Methodistic reputation was damaged by the "Fly Sheets," does this unmeaning motion repair the damage? Is it even an awkward patch, where there has been an unfortunate breach in a man's inexpressibles? Had a committee of the whole House enquired into the allegations, had the dictator and his council been put to the question and had the Conference, after a fair and full trial, with no packed jury, with no evidence kept back, decided by a majority of its members, that the charges were false and groundless, the Doctor could have appealed to the vote triumphantly. He might then, to use his own illustration, have had his sword restored to him by the President. But as it is, we opine, that the more the Doctor hears and thinks of that vote, the worse will his cause appear in his own eyes, and the more will he regret, that George Osborn had not the shrewdness and penetration of John Lomas; who is said to have told the former, how great a blunder he made by insisting on the declaration.

What is the fate of this Declaration? Its terms were never officially approved; its issue was never officially authorized; the signatures appended to the circulars accompanying it were never officially authorized: it never received the signatures of either the President or the Secretary of the Conference. It lay on the communion table of the Conference chapel under no supervision, so that whoever would, might sign what name he would. It was hawked about for months. Young men were told that they were under moral obligation to sign it. Weak and timid men were told, that they would be marked men if they did not sign it. Some men, who we suppose, were trimming and doubtful, were written to again, ay, and again, till their signatures were extorted. Still, all these appliances failed: signatures came in slowly. Three months had elapsed, and the signatures were few indeed; numerous names did not grace the list. Alarm sprang up. The whole would be a failure. The hydraulic press fortunately exists. It is put into action. Thumb-screws can extort what eloquence cannot reach. Conscience may be forced when the judgment cannot be persuaded. 'It moves though,' said the philosopher, when he subscribed what he could not approve. *As the last resource to multiply signatures*, and thus, if possible, to make a decentish thing of it, and that it should not resemble Sir John Falstaff marching with his shabby regiment into Coventry, Mr. Osborn announces in *The Watchman*, that the names of those who had signed, would appear in print;—and now, 'all who stood out to the eleventh hour, but were frightened into signing by Mr. Osborn's letters, which gave the signal, that all who did not sign would be exposed, ran in, *either from conviction of duty or dread of consequences*, thus appearing under the suspicious circumstances of rebels, who lay down their arms when an amnesty for the last time is proposed.* With the aid of these—we must say, suspicious—characters, Messrs. Osborn and Co. issue their declaration and its

down at the expense of the Committee, to add dignity to the occasion, and to give an air of religious solemnity, by their Christian presence, to the whole affair. What was their conduct? What the expectations and feelings of the friends at Southampton? The good people expected that a sermon would have been preached in the chapel, that some religious service held for the benefit of the society. Nothing of the kind! The worthy secretaries enjoyed two or three delightful holidays at one of the principal inns, instead of mingling with the Society and holding religious services." Why did the "Watchman" keep this back? Was he ashamed of it? Would the men, whose name the vessel bore, have acted thus? We can tell both the "Secretaries" and the "Watchman," that one gentleman was so disgusted with the whole, that he withheld £100, his wife another, and his daughter £50 from one of our institutions, which was purposed to be given, in consequence.

* Fly Sheet Act Tested, p. 22.

signatures. Want of space; still more, a regard for the feelings of those of the declarationists who already have expressed their regret that they consented to append to their names, prevent us from making them appear in our sheets; as these sheets will go down to posterity, while the privately circulated declaration of Osborn and Co. has, probably, ere this, gone to the flames, or been employed on some not dignified but necessary business in the poulterer's shop. Two HUNDRED AND FIFTY-SIX of the preachers in Great Britain have withheld their signatures. Yes 256 members of the Conference have refused to be a party to the measure, which, in and out of Conference, has been stigmatized as worthy of papacy and of the inquisition. Among these will be found three late Presidents, and six chairmen of Districts, besides a number of men, who, in every respect, are to say the least, equal in all the valuable distinctions of ministerial talent, character and usefulness, to those who have seen fit to affix their names to this useless document.

The 'Declaration,' then, is an utter failure. It has not accomplished its only object. It has not fixed the authorship. The hoped-for prey has escaped. The hunted victims are at large. It was an awkward attempt to bag them; they are still on the wing.* Osborn and Co. are defeated. "Did they," to use the language of the "Fly Sheet Test Act Tested," flatter themselves that they would reduce the non-signers to a small and contemptible minority? To one, two or three recusants on whom an inquisition might venture to enforce its un-English and unchristian measures? But one-fourth of the Conference is too large a proportion even for men willing to exercise inquisitorial powers to proceed against. What will be done with the non-signers—256 in number; Had the number been very small, they might have been gibbeted, quartered, and —; but 256 suspended at Tyburn at once, is rather more at a time than the present enlightened age would endure to see; and especially in a cause with which a large portion of the public sympathizes."

The clever critic whom we have just quoted, urges eight weighty objections against the signatures appended. They will be found in p. 9—17 of that able analysis. We have not room to quote; but if one out of the eight be valid, the declaration is invalid—is not worth a straw, and must be regarded as worthless by so shrewd an observer as Doctor Bunting, however much it may be extolled by such of his followers, who are more distinguished by keenness of scent than for seeing sagacity. The above writer forcibly argues that had every one of the preachers signed the declaration, nothing of moment could have been effected. The Fly Sheets would not have been proved worthy of discredit; the dominant party in Methodism would not have been cleared of the imputation of selfishness and intrigue, and lust of power; the whole case would have remained precisely as though no declaration had been issued. But the declaration has damaged the clique. "G. Osborn's thirty-nine articles—(see "Fly Sheet" Test Act Tested, p. 37-41)—will long live, a heavy unanswerable condemnation of a policy, which sought to cover its delinquencies by an inquisitorial test, when it should have challenged and submitted to an impartial and searching investigation.

* This unskilfulness reminds us of an incident recorded in the Life of Sir T. F. Buxton. A well-known professor was visiting at Holkham. Though he had never had a gun in his hand he accompanied the shooting party. Mr. Coke taking care to put him in a corner of the covert, where, it was thought, the other sportsmen would be out of his reach. When they came up to the spot where he was, Mr. Coke said, "Well! what sport? You have been firing pretty often!" "Hush!" said the Doctor, "there it goes again;" and he was just raising his gun to his shoulder, when a man walked very quietly from the bushes in front of him. It was one of the beaters, whose leather gaiters had been mistaken for a hare by the professor, who much surprised by its tenacity of life had been firing at it whenever he saw it move. "But," said Mr. Buxton, the man had never discovered that the professor was shooting at him."

Thus end Test Acts and Gagging Bills for ever in the Wesleyan Conference. The attempt failed when a similar effort was made to fasten their clutches on the author of the ' Takings.' This renewed attempt is a miserable failure, involving all connected with it in confusion and shame." We now proceed to give a hasty sketch of a few recent events, which, while they continue to furnish material for " Fly Sheets," at the same time prove how much they are needed ; and thus justify our continued issue of them.

1. *Vain Boasting.* At the opening of a new chapel at Summerscat, Doctor Bunting and his friends met together at the house of J. R. Kaye, Esq. At dinner they congratulated each other on the union prevailing among them ; stating that the slanders circulated respecting them only strengthened their union. They all united in the sentiment that " The Fly Sheets must be put down." * We again demand, Are they put down ? Will they be put down ? The system of misrule is going down ; every year it is crumbling into dust ! and becoming disjointed. We parody their sentiment : " The clique must be put down : the Conference must be as it once was ; an assembly of brethren on one floor, with a President PRIMUS INTER PARES."

2. *Magisterial airs.* In the Education Committee, Doctor Bunting catechised Mr. S. Jackson : wishing to know whether he had given up his opposition to the government scheme of Education. It was contended that such interrogatories were quite out of order. The Dictator replied, " I shall have many questions to ask before the Conference is over. You shall have no more bush-fighting.† I will make you honest men." A storm, only to be compared with some that subsequently arose in the Conference, immediately ensued ; Doctor Bunting bawled at the top of his voice, and repeating these sentiments. This is exquisite. We recommend the WESLEYAN PUNCH to lithograph this scene too, and to supply—for artists as well as poets have license—a defect in it : let the

* There is something very ludicrous in this form of expression. Being accustomed to rule and invariably exacting obedience, Doctor Bunting enunciates the sentence, as though he had pens, ink, paper, writers, and printing presses at his command. The " Wesleyan" newspaper was on the tapis one day : " It must be put down," said he. Another Doctor was present who heeded him not, and asked, " Why put it down ? it is as good as the " Watchman," into which I never look, because of its one-sidedness and often false statements, except when I have my attention drawn to it, because of some attack upon myself, or others who do not think with it." " It advocated," said Doctor Bunting, " the introduction of LAYMEN into Conference, a short time ago." " You," retorted the other Doctor, " have no right to complain of that. Who has introduced so many LAYMEN into Committees, and to every part of Methodism, as yourself ; and who is it that finds them more necessary for certain purposes, and for carrying certain measures than yourself ?" This was felt ; and would have been more acutely felt, had his introduction of Mr. Heald into Conference then taken place ; thus, himself opening the first door after his condemnation of the " Wesleyan." " You have slipped in the wedge," continued his learned opponent ; you have only to drive it a little further. Your own paper, the " Watchman," is not faultless." " If the " Watchman" is wrong," replied Doctor Bunting, " it must be mended." There was to be no PUTTING DOWN in this case ! A paper was necessary for his own purposes and party ; others were to be without an organ !

† A valourous declaration this from one who for years has been a bush-fighter ; who has managed by Committees to keep up a deadly system of attack upon men whose only fault has been that they will not be an addition to his conglomerate mass of party association ; but, by a difference of nature, are repelled from such union. Where, we ask, is there more " bush-fighting" against the interests of the many, and for the benefit of the few, than in Committees nominated by the elect,—if not precious ? Where, we ask, is there more dreadful " bush-fighting" against character, and comfort, and usefulness, and for place and power, than in that *slaughtering house* of ministerial character and peace—the Stationing Committee ? where men are stabbed and most severely wounded year after year. And who has been *captain* of the *bush-rangers* ? 'Tis but little that oozes of the prison house ; but that little fixes the leadership of bush-fighting on him, who, forsooth, will have no more of it ! Is he tired of it ? Or does he disrelish it now it is employed against himself ? Heartily do we wish that he had never been a practised hand at it. But we are not going to give up because it happens just now to be offensive and annoying to a party, who, for years has maintained its powerful position by its use.

Dictator be represented as politely, but unceremoniously shewn the door. The presumption of some men is intolerable.

An end was to be served by the question proposed by Mr. S. Jackson. It was known that a strong feeling prevailed in the Connexion in favour of Mr. J.'s election to the Presidential chair. This question was intended as a snare; and the answer, it is hoped, would prejudice his election as he never had been a favourite with the party.* Independent men are always at a discount with tyranny. The storm was lulled for the time being, by President Atherton observing, that "it was degenerating into a personal altercation, and must be put an end to." It broke out again in the Theological Committee, under the auspices of that admirable lecturer on the MORAL qualifications of the legal profession, T. P. Butting, who affirmed us to be "villains," and whose father endorsed the declaration. But we drop the curtain for the present, as space presses.

3. *Extraordinary effrontery and impertinence unparalleled.* Mr. Jackson was elected President by a triumphant majority of 174 over Mr. Beecham,† on whose behalf the Buntingian clique exerted all their power both before and at Conference, but who only obtained 56 votes—votes *by ballot* be it remembered! The defeat was complete, as they had strained every nerve to get him into the chair. The vanquished could not conceal their chagrin. "*We thought that we ought not to vote for you, you being the nominee of a faction.*" Such was the language with which the only man in the Conference who would be allowed the

* It has been said that we should not judge motives. Acts, however, are the index of motives. How else can we judge of men's character? Is not the tree known by its fruit? When a whole life is devoted to intrigue, accumulation of power, party purposes, personal ease, is it charitable to exercise a common sense judgment upon the object of the intriguer and place hunter? Is there any reasonable doubt what has been the object of Louis Phillipe, Guizot, Metternich? None can see the heart of his fellow. Acts alone aid our judgment, in connection with the general spirit of the man. Caution is requisite;—but judgement is to be exercised. This is certain,—that a regular and systematic series of evil works will not admit the imputation of good motives.

† We would if we could call this gentleman Doctor. But really, it is such a farce, we cannot. We burst into a loud exclamation at our desk at the very thought of Beecham—Doctor! We will not—though under strong temptation—add more of our own, but will subjoin a tit bit from the "Fly Sheet Test Act Tested."

It has been quietly hinted, that as *tests* are to be the order of the day, and are supported by some of the *titled* brethren, it would be well, for the credit of learning, and to prevent the body from becoming a laughing stock to others, to establish a Committee for the purpose of *testing the genuineness and real value of the title—its sources—the means* by which it has been obtained—its *adaptation to the wearer*—and the *superior claims* of the individual on whom it is conferred. And we add, to publish and present a copy to each University in Europe—it is needless for America—that the heads of houses may know how to confer,—with honour to themselves, credit to the receivers, and the applause of the sensible and well-wishing,—scholastic titles on men destitute of even the elements of scholastic lore. It is perfectly contemptible! Beecham, a Doctor!! What would John Wesley say to it? Would he ever, save in derision, say *Doctor* Beecham? It is said in derision by most who use it. The following impromptu was written as soon as this doctorate was announced by—oh, how fitting?—another Yankee Doctor—the celebrated Robert Newton:

'Thou of the silver trump—immortal Fame,
Now blow thy sweetest, loudest, loftiest blast!
Blow, as at Wellington's or Nelson's name,
Blow with an energy, as 'twere thy last;
Till—all around—
'BEECHAM'S A DOCTOR!' earth and heaven resound!

Trio of learned Doctors, now they stand,
With all their blushing honours fresh about them,
The glory and the wonder of our land;
I wonder how the land can do without them!
Most learned three!

Profoundly do I reverence your D. D.

opportunity, insulted the President, Mr. S. Jackson, after he had taken the chair. "*The nominee of a faction*" indeed! 174 being the faction, and 54 being the Conference, because Doctor Bunting did not happen to be in the former, but he and his friends were all clung together in the latter. Any other man than Doctor Bunting would have been clamoured down; would have been compelled to make an apology. Whenever, during the last conference, Doctor Beaumont—and that was often—came down upon the clique with his avalanche power, scores of voices at their highest pitch, bellowed "order, order," and shewed intense sensitiveness to decorum, moderation, and meekness in the speaker; but when the President was insulted to his face in the open Conference, these throat-orators were as quiet and unmoved as the sucklings of the sty;—each appearing to be courtin^g the balmy gale from the platform.

It was a green affair too. Pretended candour was mixed up with open insult. After all that the Buntingian party had said in past years about Mr. J.'s "awkwardness," the learned Doctor would have him believe, that, but for the fact of his having been mentioned in the Fly Sheets with approbation, he would have been the man of their choice. It would require a greater stretch of faith than we are capable of, to believe this; nor can we suppose that Mr. J. was imposed on by it. Did Mr. Jackson place his name on the Fly Sheets? Where then is the justice of punishing him for the act of another? Mr. Beecham,—we beg his pardon; our sides shake again at the very idea of prefixing two insignificant, and yet, in this instance, very appropriate, letters before his name,—was hawked about in the newspapers by the Dictator's party, as the man of their choice. Was it his fault or theirs? If his, he has suffered a defeat. If theirs,—it is not for them to blame others.

Whom was Geo. Morley, or Jos. Taylor, or E. Grindrod, or J. Scott, the nominee of? Of Doctor Bunting. Surely 174 brethren have as good a right to nominate as one. But the good Doctor, in thus insulting the Conference through its President, forgot his own towering assumptions when himself filing the chair and desirous then to magnify the office, coolly told the wondering and gaping brotherhood, that, being in the Presidential chair, they were to look upon *him* as JOHN WESLEY! The very same chair when he himself is not in it, is filled by "the nominee of a faction!!!" Is there any decency in this? His memory must have failed him!* Susequently in the Conference, when Doctor Bunting affirmed himself a reformer, and willing to make changes when ne-

But O! 'illustrious Hoole!' on whom conferred

The honour is not yet—I grieve to think

How, of the bitter streams of hope deferred,

Thou art, and hast been long, compelled to drink.

Upon my word—

Thou standest now much like a speckled bird.

But pluck thy courage up man; soon no more

Shall thy conspicuous fitness smothered be;

I'll match thy Latin, Greek, and Hebrew lore

Against the TOTAL of the other three.

Be sad no more!

We have *three* learned Doctors, why not *four*?

I have thought of putting in my claim to D.D., that is Double Dunce, upon good grounds. One is, that, like one of the D.D.'s in the Mission House, I have been employed for — years about £. s. d.; and have, therefore, an equal claim with him to the title. Indeed, I am sometimes half tempted to assume it, since no one will give it me, and I have not money enough to purchase it. A preacher who is not a D. D. in either sense. "It is quite certain that without the patronage of that gentleman (Bunting) he (Beccenam) would never have attained to any higher distinction than that of a worthy, plodding, hum-drum sort of preacher." — *Jessy Christian Record*.

* As another illustration of toadyism, we cite a specimen of Irish blarney. Mr. Waugh, who seems seated for life as Representative from the Irish to the British Conference, was

ecessary, he struck the Conference with amaze by claiming to have "liberty of speech." As though he, either that, or any other Conference, had been tonguetied or gagged.

4. *APolitical trick.* Doctor Bunting prefacing a proposition by the cant, that which he was about to suggest was without any reference whatever to politics, proposed that as Mr. Heald, newly elected as member of Parliament for Stockport, was in the yard, he should be introduced into the Conference to receive its congratulations. Doctor Beaumont strongly objected to it, because it was a political move; Geo. Osborn, because it would hereafter embarrass the Conference; F. A. West thought the Conference should pause before such a step was taken. In vain was the opposition raised. When the President called on those who approved of the proposition to say, "Yes," almost every mouth uttered the monosyllable; and when the "Noes" expressed themselves, they proved, like the conies, "a few and feeble folk."

Observe on this,—who introduced Mr. Heald? Doctor Bunting. Who is Mr. Heald? One of those who contributed handsomely towards the £2000 which has made the Doctor mute as a fish ever since against receiving of gifts. We observed in a former number that the baneful effects of this benefaction had not run out yet. Here is proof thereof. Was Mr. Heald's being in the chapel yard accidental, or came he on purpose direct from Stockport, that the GREAT SHOWMAN might show him off to advantage? Was not the design political to give a tory complexion to the body? Would he thus have introduced and taken by the hand a whig, a radical, a chartist, had a Wesleyan professing other than tory principles, recently elected member of Parliament, been accidentally standing in the chapel-yard? We believe that it was all designed, planned, and concocted. Heald had been a benefactor; and who can resist the claims of gratitude? of gratitude to RICH men? Why was Mr. Westhead not ACCIDENTALLY brought in, in the same way? He was a whig.

5. *An old grudge not forgotten.* On one occasion, Doctor Bunting asked why Mr. Everett could not take a circuit, as he preached a great deal? To this his representative replied, that Mr. E. could not be depended on in the winter. On this, the Dictator sneeringly exclaimed,—intending it as an hint of another kind,—“Mind, you must not invite Mr. Everett in the winter.”* The Doctor, like all tyrants, proves himself a mean man. If he preached as often, and did out of Committees, in which he hides himself as a spider in the corner of its web, as much work for God, as this talented respected supernumerary does, he would not so long have located himself in London, preaching, for years, on an average, less than one sermon a week, and rarely advocating the Missionary cause.†

largely offended, because it was intimated that some new men should be sent from Ireland, and that the British Conference should return the Compliment. Mr. Waugh felt where this hit, and is reported to have said, that if he came to Conference, and found Doctor Beaumont in the chair, he would leave the place. What a calamity it would be, that the Conference should not listen to his blarney for the one thousandth time. Well, if Waugh leaves on this account, Doctor Beaumont's hundreds would gladly walk to Conference to witness this triumph of right.

* Mr. Isaac Keeling knew what it meant, and requested the superintendents of the Halifax and Bradford District, at their last Financial Meeting, not to invite Mr. Everett to any of their circuits to preach occasional sermons. Mr. Haydon acted upon the suggestion when Mr. E. was proposed for his circuit. Others were too dull to take the hint. Advice of this kind comes well from Mr. Keeling—denominated by some of his brethren, “The *cast metal* preacher,” and who is imposed upon circuits that do not want him, and kept in them through the influence of the clique.

† We suppose Mr. E. came in for this as he is supposed by the despot to be one of the writers of the Fly Sheets. Doctor Dixon appears to think otherwise. This gentleman has said, “The Fly Sheets are not the production of Mr. E. He is unequal to the task. They are by a first-rate literary character, who has the information communicated to him.” This

6. *A noble sentiment.* "I will ensure to every man, so far as I am supported, perfect liberty of speech. I have this advantage;—I am an entirely unfettered, unpledged man. I court no man's favour. I fear no man's frown. Soon after I came to Liverpool, a brother (Doctor Bunting) came to me and said, that though I might be eligible in other respects for the chair, yet having been mentioned with favour in the Fly Sheets, I was thereby entirely disqualified. Now, I think, too much has been made of this publication. I have no sympathy with it. I dare not think of the faults of my brethren. I could think of them till I was distressed beyond measure." This is but a scrap from President Jackson's able and extraordinary speech.

7. *Triumphs and signs of progress*

(1.) The governing clique, a third time, in succession, defeated in their attempt to fill the chair with their "nominee."

(2.) The London Committee overruled, by a young man whom they had rejected, being placed on the list of candidates; while others were received whom the said Committee had not examined.

(3.) The Stationing Committee condemned for having assumed the power of an ecclesiastical court; and having thus arrogantly inflicted severe punishment on those excellent men, Messrs. Hobson and Dickin. Thank God, that they went too far, and got from the Conference what made some of the unjust judges feel sorely.

(4.) An almost universal persuasion that the Nomination Committee must be re-modelled, or rather annihilated, that official positions must not be filled from year to year by the same men, that the re-election of the President must ever cease, that *great changes are about to take place in the administration of Methodism.*

(5.) Mr. Fowler descended from the platform, preparatory to his elevation to the Presidential Chair.

(6.) The declaration test opposed in Conference by nearly, if not quite, half the brethren present; shewing, that there is some suspicion that all asserted in the Fly Sheets is not false in the estimation of many preachers.

(7.) Though Mr. Bromley, *this once* is kept out of London, for the weighty reason assigned he is appointed to Bath, and his name appears on the Deputation list, Dame Partington cannot keep the rising tide out with her mop. Men of Southwark, ye will have him the next time ye apply for him.

(8.) Great anger and wrath in the clique. See Rev. xii. latter part 12th verse

(9.) Pengelly removed from London, though art was used to keep Spitalfields open for him; and the hungry Scott unable to find an open door in a London Circuit, and so, all manner of contrivance is going on to keep him squatted in some of our institutions there, and Prest in like difficulty.*

(10.) The Book Committee instructed to review the decision in reference to Burgess' Hymnology.†

(11.) Mr. Haydon said, that the members of the Committee of Privileges should not be considered as members for life; the principle of rotation should be introduced at *the proper time*. There was a dead silence on the platform when this alarm gun was fired.

(12.) Doctor Bunting said, in reference to a new building. "We should *do*

Dr. Dixon is reported to have uttered very strong things against the clique. If it be true, when he comes out, he will come out as a giant.

* We subjoin as a foot note, to relieve the heaviness of our matter, an anecdote useful to the manufacturers of books, if they can consent to leave the heavy censures which the Athenæum will visit them with. Mr. Rogers presented a manuscript life of Martin Luther to the Book Committee. Some paragraphs were omitted, others altered, and Mr. Cubitt added something of the Chronology of Events. It was then sent into the world in such a shape as to make the public believe that Cubitt was the author. In the title-page a period is introduced; and by this means a falsehood is prevented; but the deception is complete.

more and *shew* less." Is light breaking in? Less shew at the Mission House and at Richmond? So say we. He had "doubts whether the Centenary movement great as it was, had not injured us." And so have we. We must be right now, as the Doctor and we are of one mind.

(13). Great courage in the Conference to have read, not from the Fly Sheets, where substantially it had long been, but from the letter of "an old Wesleyan," some good advice, viz.:—that, "stiff preachers be thrown over-board;" that "good preachers be sent to poor circuits with a view to raise them;" that "young men, if suitable, be made superintendents, and the older men not to be jealous;" that preachers should "cost as little as possible in going to Missionary Meetings, and *should never go to inns when private friends will be glad to see them.*"*

These, to us, are cheering symptoms that our labours are succeeding. We shall soon be able to say as the Frenchman said on the top of a coach:—"Mister Shir, dat koatch vich vas *first* by and bye, is *now behind* vary!"

Here, then, we close our No. 4. The signs of the times are to us cheering. We are assured of final success.

We have carried our mining operations under the whole basis of the citidal of misrule. Several explosions have already taken place. A few others will follow; and a heap of ruins will be all remaining of the great Babylon, which "The Great I" has made. Guizot falls with his master. The adopted successor of Bunting, like Napoleon's son, will never ascend the throne of the empire. The dynasty ends in the Corsican. The empire, as it rose with him, falls with him. And the day is not distant either.

We issue our pamphlet without patron; adopting the nervous truths of quaint Fuller. "Nor let it render the modesty of this book suspected, because it presumes to appear in company unmanned by any patron. If right, it will defend itself; if wrong, none can defend it. Truth needs not, falsehood deserves not, a support."

One word more on the present occasion. The authors of the Fly Sheets are firm in their resolve; they have recorded their vow. They have made a beginning: they will work out their design.

To the adherents of the system condemned in these pages—bluster, rage, whine, tyrannize as they may—we say, "*Put down the Fly Sheets YE CANNOT; and lay them down WE WILL NOT until your system of misrule, partiality, and selfishness is laid low, and numbered among the things which ONCE WERE.*"

* A gentleman, whose name has been immortalized in these sheets, went lately on a deputation to visit schools;—we could say where. Instead of making his home with friends, according to the good advice of "The old Wesleyan," he and his colleagues went to an inn; a first rate one of course. Their bill, containing an account of a considerable quantity of brandy drunk by them, fell out of the gent's pocket, and was the occasion of much talk among others than gossips. Draw here too inferences: 1. Either bills containing brandy drinking accounts should be put into the fire; or, 2. Less brandy should be drunk. Why will official men go to inns, and not to Wesleyan homes? Is it because more brandy may be drunk at the former than at the latter?

† We are not the first who, in assailing ecclesiastical governors for maladministration, have seen fit to elude detection by not announcing our printer. We give, as an illustration, one of Martin Marprelate's title-pages. "Hay any work for Cooper? Against Dr. Cooper, Bishop of Winchester. Printed in *Europe*, not far from some of the *bouncing priests*, 1590."

Nor are we the first, who, to accomplish an important end, have employed "Fly Sheets." The identical term has been applied to papers which were written anonymously by one of the greatest and best of men, and which produced (after being assailed with similar calumnies as their younger brethren) one of the greatest and most salutary reforms that Europe ever knew. The expulsion of the Jesuits from civilized states—France in particular—is to be attributed to the "Provincial Letters" of Pascal. The likeness between the alarm which the *first*, *second*, and *third* of these produced to what has occurred by the publication of ours, is curious indeed! Pascal's Biographer calls them "Feuilles Volantes." Doubtless Jesuits called them "Diabes Volantes." As it was, so it is.

By order of the Corresponding Committee for detecting, exposing, and correcting abuses. London, Manchester, Bristol, Liverpool, Birmingham, Leeds, Hull, Glasgow, in the year of grace, 1848.

FLY SHEETS,

FROM THE PRIVATE CORRESPONDENTS

No. 5.

RESURREXI.

"Quid te exempta juvat spines e pluribus trium?"

JUVENAL.

TRANSLATION.

Three thorns you have removed, but what can that betide,
While many sharp as they are left still rankling in your side.

PETER PRICK'EM.

"I have sent a stone, from my sling, which has smitten their Goliath in the forehead. I have fastened his name upon the gibbet for reproach and ignominy, as long as it shall endure. *Take it down who can!*"—SOL THY.

WE commenced our No. 4 with the motto RESURGAM—true to our promise, we now say RESURREXI. We ended our last by saying "to the adherents of the system condemned in these pages, bluster, rage, whine, tyrannise as ye may, we say, 'put down' the 'Fly Sheets' ye cannot, and lay them down we will not, until your system of misrule, partiality, and selfishness is laid low, and numbered amongst the things that once were." We therefore resume our pen: for in spite of the Holy Inquisition, with its brotherly questions, with its censures, degradations and expulsions, we have escaped unscathed. We could imagine it possible of no other body than the "venerable and AUGUST assembly" that it should be concluded because James Everett, Samuel Dunn and William Griffith, Junr., had in the words of the minutes of Conference "ceased to travel," that, therefore, the "Fly Sheets" would cease to appear. For anything that is proved to the contrary by the late proceedings of Conference, there may at least be more than thirty writers of the "Fly Sheets" left. For though it was solemnly declared to be a duty the Conference owed to God to set themselves right in this matter;—and though George Osborn declared he would question every non-signer—and the President said that every non-signer would be required to purge himself, that the Achan might be detected and the Conference be clear in the sight of God,—yet, after all this bluster, how came it to pass that only six were put to the "question?" If it were right to question six, surely the Conference was unfaithful in not questioning the remaining thirty. Several Achans may be yet left in the camp. But it is the old sin of partiality—mixed perhaps with their being unprepared for the firmness manifested by every one put to the test. But we iterate, and reiterate that a manifest unfairness is visited upon six—or a gross want of faithfulness exhibited towards thirty. Let the Conference choose by which horn of this dilemma it will be gored.

We leave friend George to find out by some new test—if not tired of his dirty work—whether we belong to the THIRTY who yet are members of the

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Conference, 'who made no sign',* or amongst the FORTY who "declined for various reasons, to affix their signatures," but whose names have been printed in the Minutes of Conference, as having afforded some kind of expressed or implied condemnation of anonymous slanderers, from Doctor Hannah to Wesley Thomas.† Here are forty members in one batch who decline to affix their signatures,—but in the plenitude of its kindness, Conference prints their names as being satisfied with their reply. Now we have seen some of the answers sent to George Osborn, and if such satisfied him, we say the smallest contributions were thankfully received and duly placed to their account.—In some, the admission was so small, that we know the writers were vexed to see it placed to their credit.‡

How blind has been the policy of Conference in this affair! They made the "Fly Sheets" to be regarded as the "forbidden fruit;" and that which was intended only for "the brethren," has been greedily eaten by many an Adam, who has found the fruit good for food, and desirable to make one wise.

The reforms advocated in our previous numbers are now taken up by the people, and this our No. 5 we place at once in the hands of a publisher—for why should we waste our postage in sending them to men who, nineteen out of twenty, will admit to you privately that they approve of the reforms we advocate; yet in the presence of the platform are as mute as a fish, and at the nod of the dictator, would lend themselves to crucify a man merely suspected of being the author? We turn to the people, as the sun-flower turns to the orb of day, for we see, through them we can effect the reforms in our body, more readily than by addressing ourselves to the brethren solely. A worthy brother shrewdly remarked, "can you expect the Negroes to emancipate themselves?" No, little liberty as the people have, (but they will soon have more,) it is through them the strongholds of Conference despotism must be subdued; the people are awaking from their slumbers, and rejoicing as a young man to run a race. A spirit of enquiry is raised, which is not to be put aside,§ notwithstanding John Scott's pleasantry about the unmarried ladies having lent money to the Missionary Committee, and that they would not be pleased with Mr. Gabriel, a bachelor, seeing the amount. Will that "lay the spirit?" Will the resolution passed at Conference about the continued economy of the printing account "lay the spirit?"

In making our remarks on the expense of Missionary management, we again repeat, we have no wish to lead any one to think that we regard the Missionaries as overpaid. It is only the Home management we attack. And it is no answer to our arguments to produce Dr. Harris's Statement, and show that we have more

* The following ministers' names do not appear in either class:—W. Beal, who began to travel in 1808; G. Beard, 1826; W. Bridgnell, 1822; J. M. Budden, 1835; J. Burnett, 1834; D. Chapman, 1826; T. Crosby, 1842; G. Ellidge, 1822; J. Emory, 1838; C. Haime, 1804; J. Harris, 1836; R. Harrison, 1812; J. Heape, 1811; G. Hurst, 1839; D. Jackson, 1812; H. D. Lowe, 1828; A. Macintosh, 1826; R. Melson, 1803; C. Povah, 1811; G. Ranyell, 1833; J. Richards, 2nd, 1838; J. Roadhouse, 1808; W. Shearman, 1838; H. T. Stanley, 1841; W. Tarr, 1821; J. Walters, 1834; T. Warren, 1805; W. Wears, 1824; J. Whitworth, 1810; W. Wilson, 2nd, 1825: in all, thirty. Fifteen others, who are still upon trial, might be fairly added to the list, as among the Declarationists there are at least twice the number who are still on their probation. The names of Messrs. Fowler, Beaumont, and Bromley do not appear in any part of the list.

† The mention of this learned gentleman's name gives us a hitch for quotation:—

————— VATES!

"Nil illi Larva aut tragicis opus esse Cothurnis."—HORACE. Is. 5, 64.

————— VATES!

"No vizard dost thou need, for thou art rough,
And Nature's given thee impudence enough."

‡ We should like to see the letters to George Osborn, which were sent by the non-signers published. They would form a highly interesting pamphlet, and would show that, out of sight of the Dictator and the platform, there are Ministers who dare speak their minds. Let George Osborn publish these in the Watchman, commencing with the Rev. R. Melson's.

§ We are reminded of the saying of a servant girl who went to a Missionary Meeting in Richard Watson's days, when that great man in his speech said the Missionary Spirit is raised and can never be laid again. This figure of speech made such an impression on the poor girl, that, affrighted, she returned home and told her mistress "they had raised a spirit, and nothing in the world could lay it again."

members abroad in communion with us for the number of pounds subscribed than any other body. Let the following facts be met by those who profess to give a candid statement of the case. The cost of the Wesleyan Missionary Home Management, on an income of £104,000 is £11,625; or if you reckon the interest on the £40,000 laid out on the Centenary Hall,—“that palace of the four kings,” it would be £13,625. Whilst the aristocratic Established Church, with an income of £94,500 is conducted at a cost of £5,692; and the London Missionary Society, whose income is £67,000, costs £3,736.

Is this a state of things that ought to be? The people in public meetings, by assembled thousands, are most unmistakably affirming that it ought not, and that it shall not much longer continue.

While we are on the printing accounts, we will give an estimate ourselves, — and as Conference has decided that James Everett is the Author of the “Fly Sheets,” and the Watchman has stated that he was a printer at Sheffield and Manchester, we hope the Conference and the Missionary Committee of Review will regard it worthy of some attention.

The prime cost of the different items comprised in the Printing of 21,000 Missionary Reports, of the year 1848 is as follows:

Composing 196 pages averaging small pica, 1s. 7d. per page	16	15	8
125 pages pearl, (List of Subscribers) 9s. 4d. per page	58	6	6
968 Reams of paper, at 9s. 6d. per ream	459	16	0
Press work, 22 sheets, at 3s. 4d. per 1000	154	6	8
Folding, stitching, &c. at 8d. per 100	84	0	0
	<hr/>		
	£773	3	10
	<hr/>		

Price charged in the Report of 1849 for the same, £1353. 2s. 9d.

How looks this by the side of the resolution about “the continued economy shown in the printing department?” We have so placed the above that any one may ask his printer whether the charges quoted are not the usual prices paid in London, at the most respectable houses. We confess we think an investigation would show that in the sum of £1353. 2s. 9d. charged for 21,000 Reports, a heavy bundle or two of Papers on “Wesleyan Matters” is thrown in: how else could Mr. Hoole send parcels of them to superintendents for gratuitous distribution? Did he pay for them out of his private purse? It ought also to be stated that the sum of £1353. 2s. 9d. is less by above £2000 than the sum previously paid. The accounts were rendered in rather a different, and in a more complicated form, before the year 1849— it is however beyond denial that the printing account has been reduced £1802. 7s. 10d. per annum, since our Fly Sheets appeared. Surely the men suspected of bringing about such a reduction in one article alone ought to be expelled with expressions of ineffable disgust, and be likened by a late president to Ananias, who sold his possessions and kept back part of the money! The illustration to us appears more applicable to the expelling than the expelled.

In whatever way our strictures may be spoken of, there is no doubt they have effected savings in the Home expenses: for on referring to our No. 1, it will be found the charges for Repairs and Furniture at the Houses of the Mission Secretaries were in 1843, £350; in 1844, £273; in 1845, £360; in 1846, £210; in 1847, £215; whilst in 1848, it is only £104; and in 1849, £103. The two last years, it will be observed, are less by one half than when our Fly Sheets first appeared, and called attention to the subject; and we challenge the General Secretaries to point to any year in which they have taken part in half so many anniversaries as in the present year. Whipped by our Sheets out of their indolence they are doing a bit of work for their living.

DEPUTATIONS. We now call attention to the following table, which has been compiled from the Minutes of Conference, 1847 :—

TABULAR VIEW OF THE WESLEYAN MISSIONARY DEPUTATIONS
TAKEN FROM THE MINUTES OF CONFERENCE OF 1847.

Districts to which the Deputations are sent,	Circuits from which they are taken.	No. Men.	Probable distance to and fro	Total distance.
			Miles.	Miles.
Kent -	Bristol - -	1	350	820
	Exeter - -	1	470	
Norwich -	Cheltenham -	1	400	1470
	Bradford, York	1	450	
	Camborne	1	620	
Oxford -	Leeds - -	1	330	580
	Sheffield - -	1	250	
Devonport -	London - -	1	400	900
	Nottingham -	1	500	
Cornwall -	London - -	3	1500	2180
	Huddersfield -	1	680	
Bristol	Newcastle - -	1	580	1150
	Stockport - -	1	290	
	Truro - -	1	280	
Macclesfield -	Maidstone - -	1	420	420
Manchester -	Yarmouth - -	1	500	1320
	London - -	1	340	
	Dover - -	1	480	
Leeds -	London - -	2	740	740
York -	Aberdeen - -	1	600	600
Newcastle -	Truro - -	1	820	2250
	Louth - -	1	320	
	London - -	2	1110	
Carlise - -	Rochester - -	1	700	960
	Sheffield - -	1	263	
Scotland - -	London - -	1	780	660
	Nottingham -	1	580	
	Paris - -	1	1300	
	28	32		16,050

It is very apparent that the Missionary Secretaries, in making up the Deputation list, paid no regard to economy. What reason can be assigned for sending Robert Young from Truro, in Cornwall, to Newcastle-upon-Tyne? Could not this expense have been saved, and the purpose answered by giving him Bristol instead? Why pass on by Bristol, Birmingham, Nottingham, Leeds, Liverpool, Manchester, and York; unless it were desirable to make the deputation cost as much as possible? Or why must G. B. Macdonald* be sent past Sheffield, Nottingham, Birmingham, Bristol, Bath, and Exeter, to Cornwall, but for the same cause.

* This candid gentleman's expenses would not be very trifling, if we may judge from the fact of his having several times charged £5 for his expenses in going to preach a sermon, when the distance has not been the third of the way from Huddersfield to Cornwall. This, in the words of the title of a work of Brother Macdonald is "Fact not Fiction." But cigars are expensive articles of luxury. The ordinary income of a preacher will not allow his purchase of them, and the unrepented laws of the body forbid his use of them.

Henry Davies goes from Newcastle-upon-Tyne to Bristol; W. Harvard, from Maidstone, to Macclesfield; J. Crofts, from Rochester to Carlisle; and so on of the rest. Well may it be enquired, whether two-thirds of this expense might not have been spared by employing these men nearer home? We think it might. Will the public think so too?

We had long been at a loss to divine upon what principle the Missionary Secretaries framed the Deputation List; but we are now let into the secret—for Doctor (!!!) Alder has stated publicly that he has, in this matter, acted on the principle, "there is that scattereth and yet increaseth." A wise and judicious application of Scripture, doubtless!

Whilst we are on the expenses of Mission Management we would just remark, that in spite of the recommendation of Doctor Alder*, given in his letter to the circuit ministers, the Missionary Lay Agent, Mr. Jackson, thinking example more influential than precept, has already begun to imitate his master—Alder. He went a short time since to the S——— circuit, and on the strength of Alder's recommendation the good brother stationed in the circuit arranged with one of the friends to entertain him with bed and board during his visit. But to the disappointment and scandal of the friends this gentleman went to his inn, engaged a bed, &c., and on being spoken to by brother — on the impropriety of such conduct, stating that it was not right to burden the funds with such expenses, Mr. Jackson replied, "Oh, I am used to the road, and it does not cost me so much as you expect." Can the Mission House Secretaries be expected to reprove the man for this, without Mr. Jackson replying to Doctor Alder, "Physician, heal thy self."

ENDOWMENTS. We think it right to call the attention of those interested, to the growing endowments of our Connexion, as but another step in the progress of centralization, location, and secularization. We ask, whether the Model school is not intended for an easy chair for John Scott, (alias Squat?) and we call attention to the fact which accidentally came out at the Missionary Committee that the Didsbury Institution had a spare capital of £16,000, for which they were receiving interest from the Missionary Society; at the same time that a thousand pounds per year, which used to be granted from the Book Room to the Old Preachers' Fund, is now given to the Institution! We might enquire, too, what means the great anxiety lately shown that no chapel be built till *two-thirds* of the money is subscribed: Chapels which as soon as they are erected become, to all intents, the property of the Conference. Is it merely out of tenderness to the Trustees? In reference to the Institution we ask whether it justifies so large an amount of yearly expense. What do the people get in return for an outlay of £1500 per annum? Are the preachers brought up in them a superior class of ministers, either for pulpit talent, or for usefulness, when compared with the men who have not been so trained. We think not. And have not some of the students expressed their surprise that they have been able to retain their spirituality under the deadening influence of such monkery? We know they have. If there is a formality and a want of earnestness in the generality of the men who have been through the training of our Institution, we would ask, is it likely they will be improved in these respects by brother Crowther?† We

* Mr. Swallow, one of the preachers in the Ashby circuit, admitted the other day that he could not deny the serious charge of £70 being paid out of the Mission House funds, that this would be fine gentleman, who some times sports in a green waistcoat and white hat, in public gardens, might have elegant library shelves.

† We would guard the Wesleyan Trustees against brother "Johnson's Gothic colourings." Let any trustee enquire of a slater the difference of quantity of slates required for the roof of a building in the Gothic style and for the roof of a similar sized building, not Gothic. What says Wesley in his Journal: "I have this day opened a Chapel, the first I have seen, roofed with common sense; the roof rising but one-third of the width.

‡ We have heard of a worthy gentleman who went to hear this good brother one evening, and towards the close of the sermon so monotonous and wearisome had it become, that our friend, thinking it must be bed time actually unbuttoned his garters, let them down, and began to unwind his garters, till the friendly nudge of a person beside him, reminded him that he was listening to the discourse of an incumbent Professor.

have some knowledge of the interior of these Institutions; and our reader in a future number, may expect some revelations on this subject, which will be more annoying to the officers than on a certain occasion the "ringing of the bells" was to Samuel Jackson, as Governor of Richmond Branch.

We are persuaded the localizing tastes of our brethren have to be sedulously watched. A more frequent change in treasurerships would have saved us from Stamp's defalcations; and would often check or prevent the first misappropriation.

The following are the recently expressed views of a venerable and celebrated Wesleyan Minister:—"Preachers must be wholly given to the work of saving themselves and their people; our financial affairs must be wholly confided to the management of our competent and faithful laymen; and our executive must be *purged* from all that savours of worldly policy, secularity, partiality, favouritism and be craned up, as far as may be, to what it originally was. The 'expelled' have acquitted themselves well and wisely thus far, and I hope they will continue to do so; guarding against all devious counsels, unchristian tempers, and everything that would give their adversaries a handle against them:—this will be their strength and glory. The feeling for the expelled is intense, and I believe is growing;* one thing is evident, that *confidence in our Conference is declining daily.*"

We should be glad to give the name of this eminent minister, but every methodist knows it cannot be done without subjecting him to every species of persecution for the remainder of his days. Condemn anonymous writing! Why, what methodist minister can express his opinions on methodist affairs, without subjecting himself to censure and persecution if these opinions are not in favour of Methodism as *it is*, or as it may be altered by Conference from year to year? Was not the pure and manly-minded Galland snubbed for having dared to send out a Circular with his name attached, because those views were unacceptable to the clique?—and was not a resolution passed expressive of their disapproval of any minister of the body circulating his printed opinions amongst the brethren? And was not this eminent minister carefully excluded from the Committees because his sentiments were avowedly liberal? Nay, do but venture to intimate that you question the propriety of the acts of a President, though he may have been dead, and, perchance, have laid by the side of a beggar in the church yard for fifty years, yet shall you be reproved, and the Book Room receive orders not to sell your book. We need not say that we allude here to Dunn's Life of Tatham: a work, by-the-by, which we take this opportunity to recommend.

We were going to illustrate the conduct of the Methodist Book Room, and of the Managers of the Watchman by a note from Milton; but for fear it should be overlooked in the diminished type, which our printer, in spite of our orders to the contrary, persists in using; we insert here, considering it too much to the purpose to be allowed to escape the notice of the Wesleyan public. That great man, in his Article on Unlicensed Printing, says:—

"Debtors and delinquents walk about without a keeper, but inoffensive books must not stir forth without a visible jailor in their title, nor is it to the common (Methodist) people less than a reproach, for if we dare not trust them with an English pamphlet, what do we but censure them for a giddy, vicious, and ungrounded people, in such a sick and weak state of faith and discretion, as to be

* As a proof of this we add an extract from letters received from a publisher of the "Fly Sheets." A methodist bookseller, on being applied to, to become agent in a country town, says, "I am already more prominent in the reform movement than is well for my business. Send me a few copies, without my name on any bills, and direct to the town-crier, and I will apply for them." A few days after the same individual writes, I have just returned from the breakfast meeting given to the "expelled"—a glorious meeting! Our sale of the "Fly Sheets" has been tremendous. Send me fifty more, and bills, with my name on, to post the town and neighbourhood with."

able to take nothing but through the glisten pipe of a (Conference) licenser!"—* *Milton on Unlicensed Printing.*

We say, give us freedom of debate in our Conference. Let the man who speaks an unpalatable truth be heard fairly; and, if need be, let him give his thoughts to press, without being subject to a censorship more strict than that of Rome. Let this be done and anonymous writing need not then be resorted to.

There is no deliberative assembly on the face of the earth which permits the use of such unscrupulous means for putting down opponents as Conference does; and it is, therefore, an exceedingly hard and discouraging warfare in which to engage. Freedom of speech, in consistency with our views, would not, we well know, be conceded to us; we are obliged to content ourselves, within the walls of the Conference Chapel with a lame, and partial advocacy of our cause, which deprives that cause of much of the power really belonging to it. Under these circumstances, it is only natural that *the press should be resorted to* by us in order to give effect to our statement of grievances; and admitting that we are sincere in our intentions, the adoption of this mode of appeal must become to us a matter of moral obligation.

Hear what a talented minister, who has been stationed in some of our best circuits, says upon this subject:—Observe, he is not one of the "Expelled."

"We are afraid our readers will have some difficulty in crediting the fact, that the following law is to be found in the Wesleyan code. It is nevertheless true, that it is printed just as we shall copy it, in the Minutes of Conference for the year 1796."

"Let no man, or number of men, in our Connexion, on any account or occasion, circulate letters, call meetings, do or attempt to do anything *new*, till it has been first appointed by the Conference."

"It can, indeed, be proved, that this law was repealed by the subsequent concessions to popular demand, which we have already mentioned; but, though this circumstance makes the atrocity of acting upon such a law in these days the greater, it is still acted upon. We can assure the world that it is no dead letter for it has, in a vast number of instances within our recollection, been enforced to the expulsion of persons from the Wesleyan societies. The spirit of this law, moreover, pervades a very large part of the enactments of modern Wesleyanism. Every one must see that these enactments cannot be strictly carried out, in each case of their application; but that they will be in future, as they have in past times been, carried out whenever a sufficient necessity for such proceeding is supposed to exist. Whosoever, therefore, sets himself to produce a reform in Methodism, is liable to be excluded from the Connexion by means of this law, though his reforming efforts should be limited to the publication of his opinion. This danger must be apprehended by every Wesleyan, and *especially by every Wesleyan minister, who appeals through the press* against what he conceives to be the mal-administration of the Conference; and therefore it becomes a matter of common prudence with such a person that he should send forth his appeal *anonymously*. The Conference itself has imposed this necessity upon him by the utterly unreasonable and shameful extent to which it has stretched its authority; and the inconveniences occasioned by the concealment it thus forces into being are justly chargeable upon it alone. It is quite ridiculous for that body to com-

* The Rev. J. Crowther was found in a state of insensibility (having been seized with a fit) in Lambeth, and taken to the watchhouse, where an inventory was taken of the contents of his pocket, which according to all the reports that noticed the case, except the Watchman, contained, amongst other things, a cigar case, and silver snuff box. When the Watchman gave its report of the case, considering the glisten would be too strong for the "sick and weak state of faith and discretion" of the Wesleyan public, if it contained the silver snuff box and the cigar case; it carefully omitted them, and brought into due prominence the Religious Tracts. Soon after it will be remembered Lord George Bentinck died suddenly, and in his pocket was found a Betting Book. The Watchman in giving this statement thought a stronger glisten might be applied, as the subject was not a member of the Conference, and therefore in its Christian charity and unvalued candour, added, "how much better it would have been if he had had a pocket Bible instead!" The Editor of the "Watchman" was Dr. Bennett, who was himself picked up (after preaching) in a similar state:

"A fellow feeling makes us wondrous kind!"

plain of such concealment. One of its great objects is to suppress all agitation throughout the Connexion, and its chief method of accomplishing this object is by cutting off the agitators. Conciliation does not enter into its plans. Liberty is regarded by it as an enemy. Expulsion† is that to which it looks for escape from annoyance. Like all despotic governments, capital punishment is its panacea. It deprives itself of the benefit of open dealing, by its refusal to concede the commonest rights of association; and every one who wishes still to continue a member of its community while he endeavours to correct the evils of that community, cannot but shield himself from the threatened extinction by sending out his opinions *anonymously*. Not to do so would be to renounce the possibility of effecting his purpose; and when he thus, in the only way presented to him, avoids the murderous attack to which he is exposed, he consults the interests of his cause, no less wisely than he does his own personal safety. We have no doubt that his yielding to this necessity is, in many respects, injurious to the manner in which he conducts his opposition; but the evils into which he falls are to be fairly attributed to the injustice practised against him. This simple view of the subject affords the true philosophy of that anonymous writing upon which such severe reflections have been cast during the Methodist storm that is now passing over our heads."

Let the Conference defamers of anonymous publications answer the above remarks from the pen of an eloquent minister, who must be nameless, but who, we repeat, from his connection with our body, knows its customs and its laws.

The view of the case we have just presented, leads us further to observe, that the broad distinction which exists between an act of moral guilt and an act of opposition to Wesleyan tactics, will for ever prevent the members of the Conference from gaining the public sympathy they desire. Every plain-minded man keeps that distinction before him in passing judgment upon their doings. They know full well, and dare not deny, that if Mr. Everett had been questioned about his moral conduct, he would have given direct and satisfactory answers to the questioning. If the enquiry had been, *Mr. Everett, were you intoxicated on such a day?* instead of, "Mr. Everett, are you the author of the 'Fly Sheets?'" the reply would have been an unhesitating *No!* He was persuaded, and all the world will agree with him in the persuasion, that the latter enquiry did not compromise his moral character in the least. We have heard it said, with reference to his pertinacious resistance to inquisitorial interference, that an honest man need never be ashamed of confessing his deeds. Now, we are ready to go farther than this, and say, that an honest man will always be anxious to clear himself from every imputation of his honesty. But when such a man feels that an imputation to which he is subjected, instead of affecting his honesty, is mainly designed to confound honesty with dishonesty, by leading him to repudiate a harmless act as though it savoured of crime, honesty itself teaches him to treat the imputation with indignant neglect.

* The Conference Minutes of 1835, page 175, state distinctly, in reference to those who "agitate" for any alteration, "they which do these things shall not inherit the kingdom of God." So thoroughly does this spirit pervade the Ministers of the Wesleyan body, that they denounce, as from Hell, any publication which advocates any reform in the Wesleyan body. Hence their malignity against the "Wesleyan Times" (a talented paper, to which the reform party owe much) is of the most deadly character. One of the Wesleyan Ministers, who is rich, sent a few days since to his heir, stating, "I am about to make my will; send me word whether you are prepared to give up the reading of the Wesleyan Times: important results depend on your reply." We would state this worthy's name, were it not, that it might lead him to cut off with a shilling the unfortunate reader of the Wesleyan Times. And another Wesleyan Minister solemnly collected his household, and, after delivering a speech to them on its awful demerits, committed it to the flames, as Papists have done with the works of the Reformers.

† "It is the unanimous judgment of the Conference, That any person who, instead of *peaceably retiring* from our Connexion, if he disapprove of our system, employ his influence in opposition, or who shall be a member of any confederacy formed for agitation, is guilty of a flagrant transgression of the *morality of the New Testament*, and has justly forfeited his claim to religious fellowship, and the superintendent is required to expel such person from our society."—Minutes 1835, p. 153, 156. "The superintendent is further directed to show his PUBLIC testimony of disapprobation of such person by QUIETLY withholding his Ticket;"—page 153. Such men being regarded as unworthy of even the mere form of a trial. What a disgusting jumble of priestly artifice and arrogance.

THE FUTURE. Have we anything to hope for the future? We argue something hopeful from the Dictator's late visit to the Staffordshire Potteries, and preaching in the Kilhamite Cathedral. We must conclude there has been a softening down since the time when he said "Methodism is as opposed to democracy as to sin." We congratulate him on his visit to Ridgway, that "prince of delegates," and hope his interview with that gentleman convinced him a delegate was not the horrid monster he had always regarded him to be. And we ask the Doctor whether it would not be wise in him, before his death, to tear up his mantle* and distribute the shreds amongst preachers and people, rather than leave it to John Scott, who would be lost in its folds, and smothered by its weight? By one great act, he might thus atone for the errors of his past imperial career, which hitherto has been cunningly and successfully devoted to the aggrandisement of himself and his pets.

One of the great errors of the Dictator's life has been an incessant desire to make Methodism respectable; or, in the words of a worthy retired councillor at L———, "to sacrifice its purity for its political importance."

We are reminded here of one of his early acts. The Doctor's first attempt at establishing a newspaper was made more than thirty years ago, when he induced a few members of his committees to commence the "Christian Reporter." To conduct this a methodist bookseller of Leeds was prevailed on to give up his business, and undertake the management of the paper in London. The next step was for the *Doctor to request the editor to leave the Methodist Society, assigning as a reason*, that the respectable part of the public might be more easily gained to an approval of Methodism, if it could be said that its editor was not a Methodist. **THE MAN LEFT THE SOCIETY**—the Doctor, by his interference and tory sentiments, ruined the paper—and the editor, who had thus been induced to leave the Methodist Society, **HAS NOT JOINED IT TO THIS DAY**, though he continues to attend City Road Chapel, and most of his family, we believe, are members of our Society. In this case, a man, who by his piety and his learning, would be an ornament to any church, was induced to disconnect himself from us, that it might be said, "See how we are praised in a paper edited by a man not a Wesleyan!" One of the editors of the "Patriot," we presume, can bear us out in this statement.

WANT OF MORAL COURAGE. One of the greatest wants in the present race of Wesleyan Ministers is moral courage—a courage that shall enable a man to stand by what he regards the cause of truth, in spite of the platform remarks, and the possibility of his being exiled to some nook in Cornwall or doomed to live on oat cakes and oat porridge in the Orkneys or Hebrides. So rank is the tyranny, and so humiliating this "house of bondage," that when Timothy Ingle, on one occasion dared to vote against a platform motion, "all the disciples forsook him and fled." On which Doctor Bunting fired off a tremendous volley about minorities of one, and brethren ought to think conscientiously," &c., for one brief moment courage fired the eye of Timothy, and nerved his arm, and mounting a form, he said "I do think as conscientiously as Doctor Bunting does, and it is, therefore, that I oppose the measure; but—but—but—a—but—I withdraw my opposing vote." Since last Conference how many of the brethren are shielding themselves from the public indignation occasioned by the expulsions, by saying, "I never held up my hand for these acts of discipline." Why did they not? Because they disapproved of them. Why then did they not lift their hand against them? Because they dare not.

*We do not like to take the "lower analogy," or we might allude to G. R. Chappell's saying—"Tut man! don't speak to me of Conference. Conference is all buttoned up in one pair of breeches!" We may, perhaps, be pardoned for saying we think if the Doctor's breeches were placed at the top of a poll, and that poll well greased, Charles Prest, John Wesley Thomas, G. Osborn, John Bedford, and other notable *climbing boys*, would make many an effort to reach the summit.

Their love of appearing unanimous in their decisions has been fostered till self-dependence, and independent thought and action are given up. Mr. Rattenbury* is not the only one who is ready, at the request of the President, to move, or second a resolution which may be unpalatable to him. Perhaps this subserviency cannot be better illustrated than by the following; which will be remembered by many brethren who were present. At a time when there was no motion before "the house" S. D. Waddy saw Barnard Slater asleep, wearied with his attendance "on so many important Committees;" walking up to him, and suddenly awaking him, Mr. Waddy said, "Brother Slater, the President calls on you to second Dr. Bunting's motion." Without any enquiry, brother Barnard rising, said, "I beg leave to second the motion!" On this S. D. Waddy walked out, leaving it to the chair to inform Barnard there was no motion before the house, which was convulsed with laughter.

We have often heard preachers grumbling and growling in their pews, during the sittings of Conference, "It will never do, the people will never stand it, we dare not bring it before them;" but ere they had finished their dolorous soliloquy the motion has been made, and they have voted in its favour. The same tyranny and slavery extend from Conference through the Districts, and preachers are afraid to give expression to their opinions, or utterance to their enquiries. "I wish," said a venerable minister, speaking of the Auxiliary Fund, "they would give us some explicit information; but we are afraid to speak lest we should be accounted Radicals." "Once called a Radical," said the Rev. Max. Wilson, "and you are done for;" and no one who has not witnessed the scene can imagine the eagerness depicted on the features when "you that oppose this motion hold up your hands," issues from the Wesleyan Woolsack. From our own knowledge we can state that there are but few men who do not quake beneath the penetrating gaze of the platform.† Tyranny is growing strong, and must grow stronger under the fostering care of such men as Dr. Hannah and Thomas Jackson, at the Institution.‡ Let a youth be ever so hopeful prior to his selection at his quarterly

* This gentleman is now freely offered for anniversary services to those circuits where there is a sympathy with "the expelled;" lest by any chance the services of Everett, Dunn, or Griffith, should be applied for. We think it would be well for Brother Newstead to see him on the Sabbath Observance Question; for we know he lately went to preach in one of the most ancient cities in the East of England, and was entertained by a highly respectable and much esteemed gentleman, who thinking Mr. Rattenbury seemed sulky because there was not a hot dinner, said, "I always make it a matter of conscience not to keep my servants at home from a place of worship on the Sabbath to cook hot dinners; but we have a good joint of cold roast beef." Did this minister commend this gentleman? Hear his reply: "The Lord will teach you better." Did Mr. R. learn this better lesson by forgetting the hole of the pit from whence he was digged? Is he not quite at home among the bricks and mortar of London Chapel building? We believe this man is really ashamed of the part he was ordered to take at Conference, for we know he was lately riding in a first-class carriage on the London and North Western Railway, when he was joined by a commercial gentleman who recognized him; but as he perceived Rattenbury did not remember him he did not make himself known, but commenced a conversation, first on the murder by Manning and his wife, alluding to the fact of all the papers being full of the account. The Commercial gentleman then referred to another subject that had occupied the newspapers much of late, "the expulsion of three Wesleyan Ministers." Friend Rattenbury seemed to know little about it: on being asked if he knew 'this Ossen or Osborn that had been administering what the papers called a purge,' he admitted that he knew some little of him; but declined saying anything on the subject of the impropriety of Wesleyan Ministers travelling in first-class carriages at the cost of the pence of the poor, (as he was then in one himself) And—which is the point we would be at—he carefully avoided defending the proceedings of Conference, and seemed glad to change the subject. The farthest thing from his wish evidently was to be identified as one of the actors in the drama.

While we are on the Sabbath question we may remark, that after Doctor Bunting had signed a Declaration at Liverpool, against Sunday Travelling, it is well known at York, that on his going to preach the opening sermon of the Centenary Chapel in that city, he travelled there by train on the Sabbath morning, and engaged a chaise and post boy to drive him on during the afternoon and evening as far as Darlington, on his way to the Newcastle Conference, which did not commence till the Tuesday.

† During the last Conference the partial President loudly repeated the names of several who dared to vote in the minority on Dr. Beaumont's Southwark case, and the same "glorious infamy" has been attached in the Conference document to the three who nobly dared to vote against the expulsion of Mr. Everett.

‡ Dr. Hannah some few years ago took his son to college, and uniting Church and Methodism in one mission as Pusey unites Church and Pope in one system, stopped to dine with the Wesleyan steward, Mr. Pike; who very properly remonstrated with Dr. Hannah on the impropriety of taking a lad, whose very being was derived from Methodism—whose meat, drink, clothes, lodging, all were paid for, by monies collected among Methodists—to

meeting, he is a changed character from his entrance into the cloister. Do you wonder then at the spirit of the juveniles at Manchester? Every man who dares think independently is weeded out—as has been lately done in the case of Everett, Dunn, and Griffith, or is browbeaten and snubbed like the venerable Burdsall, or is made to promise Conference he will cease to speak against an act that he believes to be sinful, as in the eloquent Bromley's case. An impatience of criticism, and a belief that the Conference should not be subject to it, are very apparent. "You are not to judge the ministers, they are your judges."—G. Osborn's Pastoral Address for 1847.

We remember the horror that seemed to seize upon the brethren when the President made the astounding declaration, at the last Conference, "that a power had risen up which reflected on the acts and appointments of the Conference. (Great sensation.) Harrison's Report, p. 55. It evidently was not expected that any man, born of a woman, would be found bold enough for an act like this. Well might the President appeal to the brethren to join in singing

"End, Jesus! end this war within!"

for the man who should have hardihood enough "to reflect on the acts and appointments of Conference," was sure to be considered such a phenomenon as nothing but the Divine help could enable them to overcome.

Let a man "reflect upon the acts of Conference" in print, and not only must the writer be censured, and promise to take no such liberty again, but the periodical that has contained these reflections on the acts of Conference must be discontinued. Nothing less than total annihilation will satisfy them; though that periodical be the nearest approximation to our old Magazines, as we unhesitatingly say the *WESLEY BANNER* is. It argues badly for the Church that can condemn such a publication and that expels its Editor from the Ministry because he would not give it up; while it retains in its pulpits the brother who shall publish an apology for Don Juan, containing such stanzas as this:—

"So much that's luscious, it might almost pall,
He gives you; but I'm not inclined to quote it:
The bower—the couch—the bed of—what d'ye call
It:—he describes; and tells you all about it:
Observing, too, that he has seen it all:
And certainly 'twould be absurd to doubt it;
Since so minutely he describes each object,
And shows a deep acquaintance with his subject."

J. W. Thomas's Apology for Don Juan, s. 46.

We say it argues badly for the Church that can condemn the *Wesley Banner*, and expel with execrations the men who will not give it up, while it promotes the Author of such lines as the above, and sends him as a deputation to the Sister Isle, that the Irish may see who "is the man the Conference delighteth to honour." The man who writes an apology for Don Juan and its obscenities must be covered with honour—while the writers of the *Wesley Banner* must be likened by the President to the incestuous Corinthians. Talk of unanimity! in a case like this! It is the foulest blot, that acts like these should be perpetrated with unanimity by a body of men called Christian Ministers. Are not such "acts of Conference" likely to be reflected on? Acts so obviously inconsistent with each other, and with every principle of common justice? The very stones of the street would cry out, were the Wesleyan public silent under these unequal acts?

make a Church parson of him. At which the Rev. Doctor stammered out, "I am sure I do not know what to do." This Wesleyan son became a Puseyite parson, and excommunicated his father, as being no minister at all, not being in the apostolic succession. Suitable recompense! When settled in a living, the President of the Conference, the Rev. Dr. Hannah, who was no Christian minister, visited his son, who was one. On hearing that the President was in the village, he was waited on to preach in the Wesleyan chapel. "He must respectfully decline; he might injure his son!" In other words, "No, I am ashamed of them; I won't go through Coventry with my ragged rascals." The other Theological Tutor, President Jackson, sent his son to make a Church Parson of him. Is it any wonder that the students get an inkling for Church rather than for Dissent, or even Methodism. By-the-by, it is stated that one of the Bristol Preachers is so affected by recent proceedings in Conference that he has serious thoughts of entering into the Church.

There is a strong wish in many of the brethren to impress upon the minds of the people that at the time of ordination, if not before, a man rises to a position in which it is arrogance, if not blasphemy, to criticise his acts: and that an assembly of such men is infallible, and cannot do wrong in Conference assembled. Many would be pleased if at ordination an "Act of Oblivion" were passed; and that henceforth it should never be said that they were not born priests. They feel it a stigma if it is known that one like Peter had been a fisherman; or another, as their Divine Master, is the reputed son of a carpenter. Hence Peter Duncan, at the last Conference, objected to its being stated in the memoir of a deceased brother, that he had been a soldier. Was Mr. Wesley ashamed of it being known that John Haime was a soldier?—See his Life in an early Magazine. Or must it not be stated that John Nelson had been pressed in the army? What right-minded man thinks worse of Dr. Bunting because his father was a village tailor, and he himself a writing lad to a physician. Who thinks worse of our President for having, with his two brothers, worked for their father a country wheelwright? Or of Richard Watson, because, during his secession from the ministry, he followed the trade of a patten-tie-maker, and stood the market with his wares? Would not such a simple incident as this be of more interest in our President's Life of Watson than his saying "he now went into business with a respectable local preacher, in the Hinkley circuit, but soon gave it up?" It might provoke a smile to see a man possessed of such abilities assuming the character of an ordinary tradesman," page 36. Why what but ordinary tradesmen have these brethren been?*" Might it provoke a smile" to take 200 names, at random, from our Minutes, and be able to say we find 7 carpenters, 5 blacksmiths, 2 meal men, 6 drapers, 1 stocking weaver, 7 schoolmasters, 1 policeman, 1 captain of a coal barge, 8 tailors, (amongst whom is one of our D.D's, and the man with twelve connexional honours,) 1 haberdasher and small-ware man, 1 straw bonnet seller, 2 paper makers, 5 wheelwrights, 4 masons, 3 cabinet makers, 1 butcher, 2 engravers, 2 surgeons, 6 "farmers' boys," 3 clerks, 2 hair dressers, (one of whom used to make a dish-cloth of his tongue at the table of respectable gentlemen, in his first circuits,) 2 gentlemen's servants, 2 potters, 10 printers and booksellers, 8 ironmongers, 1 marine store keeper, 1 pig dealer, 8 druggists, 1 Lincolnshire peat cutter, 1 chimney sweep, 2 button makers, 3 workers in brass, 5 miners, 1 gas house keeper, 3 tinkers, 2 painters, 8 grocers, 1 lace weaver, 3 cotton mill lads, 1 carpet weaver, 1 ear-ring maker, 1 green grocer, 11 shoe makers, 4 cloth workers, 3 cutlers, 2 dissenting ministers, 1 soldier, 1 licensed and 1 unlicensed hawkers, 1 maker of artificial limbs,† and steel trusses, 3 or 4 gentlemen's sons, 1 curry comb maker, 6 tutors, 7 sons of preachers and others who were of no trade before they joined the ministry, 3 lawyers' clerks, 1 sawyer, 1 agent for Morison's pills, and the remaining 18 trades unknown.

Let not this list "provoke a smile;" for they are "ordinary tradesmen" no longer; they are now a "venerable assembly;" and can say in the words of S. Bradburn, who was never ashamed of having been a shoemaker:—

Exalted to dignity high, in the midst of this wonderful crew,
No longer a cobbler am I, so I'd have you beware what you do.
My "last" I have now laid aside, no longer I make or mend shoes;
Like leather I'll cut up your hide, if you dare my high office abuse.
Infallible judgment is mine, since the awl I've resigned for "the keys!"
Don't question my right, it's divine! but humbly admire on your knees.

* How disgusting to find the notorious Stamp taunting Dr. Campbell with having been a blacksmith, while his own father was originally a heckler, or tow teaser.

† It is fortunate that brother B—— was a maker instead of a wearer of an artificial limb. Mr Sutcliffe a solicitor, and a preacher's son, offered himself for our ministry: his piety was unquestionable; his talents of a very high order; but the Conference rejected him because he had a wooden leg. Jacob Standley hereupon observed, they had received many a wooden-headed brother; he thought a talented one, whose leg was wood was more qualified than the wooden-headed brethren they preferred.

Varied as have been their callings, they have been in their punishment of independent men, and in the reward of the obscene Don Juan, as unanimous as were the Jews when as St. Matthew says, "they ALL cried out, crucify him, crucify him." And though they now come forward and state that they "sacrifice a dear friendship of twenty years' standing," &c., &c., ad nauseam; yet should Dr. Bunting relent, and request that the three expelled Ministers might again be received, doubtless the same unanimity would manifest itself, and the triumvirate might be in danger of suffocation by the brotherly kiss, instead of the brotherly question. For we remember the Rev. J. Edmondson saying to us, in one of those happy hours of social intercourse, which those who enjoyed with him can never forget, that when Mr. Wesley ordered Alex. Mather, the-would-be Bunting of his day, to re-instate him in his circuit; brother Mather received him with a kiss, which from certain attending circumstances, he had always reflected on with disgust: coupled as it was with the recollection of previously professed friendship, which had been thrown off almost with the ease of a Macdonald, a Jackson, or a Haswell:

"A breath can make them as a breath has made."

George Osborn, according to the President, "has done important service to Methodism. He has conferred on it a great blessing and benefit."* We recommend to his notice now, the propriety of drawing up another test which shall have for its object the discovery of moral guilt, instead of "crotchety" brethren. Some test that should discover a minister's drunken habits before he is allowed to go intoxicated into the pulpit, as H. L. Eden did; or that should discover—what all the neighbourhood knew—that J. S. Stamp was in the habit of going himself to the butcher's, on a Sunday evening, to buy a mutton chop for his supper, if he had not been fortunate enough to be invited out, or that should discover whether brother is really dead, or only absconded with one of the females of his flock, before they insert a laudatory account of him amongst the pious dead, in the Obituary of our Magazine.† Some test that should bring to light the habits of a man who, like —, invariably left heavy spirit bills unpaid in his circuits; and so of some half-dozen other cases we could mention. But it is too much to expect a man who states he would drink as many glasses of wine as he liked to become the Quixote in such a crusade. But were he to do so could he expect better treatment than Samuel Dunn received when he hinted at the propriety of such a test? It ought to be borne in mind in reading the following account that while there is no direction in any Minutes of Conference, that the brotherly question shall be put as to authorship of anonymous works, it distinctly states on the Minutes of 1766, that one question a Minister may examine another upon is, "Do you take any snuff, tobacco, or DRAMS?"

Mr. Dunn said—If Mr. Osborn had a right to test his brethren with respect to the "Fly Sheets," others had a right to test their brethren on other points (interruption). I could claim the right to test Dr. Bunting and Dr. Beecham as to what part they had taken at the Mission House in producing and circulating those abominable "Papers on Wesleyan Matters" (great interruption.) If Mr. Waddy's principle be sound, I could claim the right to ask Mr. George Osborn and others, how many glasses of wine and of brandy they have drunk during this Conference.

* The people seem to think differently; for we were not surprised at hearing from the Circuit Steward of Halifax, a few days ago, that the President had sent for their preacher to go to Scotland with him, as it was thought not advisable to take George Osborn, "under present circumstances."

† The case here referred to is that of the Rev. J. S. Smith, who was missing from Sunderland, in 1844. His colleague preached his funeral sermon, a few weeks after his departure, and deeply affected his congregation by his pathetic allusions to the departed brother: and in our Magazine for 1844, page 949, will be found an account of him in the Recent Deaths which states that "he has evidently been lately ripening for greater usefulness below, or for the glorious enjoyments above," whilst it is generally believed he had only gone to America with the woman with whom it is said he is still living in adultery.

At this an outburst of feeling, cries of "order," "shame," "put him out," and other marks of disorder became outrageous. The Conference appeared in great excitement. Voices from the platform mingled with voices from the floor; scores shouting at once at the full stretch of their voice to be heard. Mr. Dunn appealed to Mr. Jackson to be heard.

Dr. Bunting turned to Mr. Griffith and asked him whether he had put down in his notes those offensive expressions* "glasses of wine and brandy."—Mr. Griffith replied that he had.—One and another said it was a reflection on the Conference.—Mr. Dunn renewed his attempts to be heard in explanation, but, as soon as he opened his lips, cries of "Retract," "Turn him out," smothered, in an instant, his attempt.—Some one moved, Mr. Rule seconded, that Mr. Dunn should retract.—Mr. Dunn said he never would to the day of judgment.—Dr. Bunting said Mr. Dunn had forfeited his right to speak in Conference.—Mr. Griffith did not see that Mr. D. had anything to retract. His argument was hypothetical, and applied to the principle laid down by Mr. S. Waddy.—The motion was put, and only Mr. Griffith's hand was held up against it.—Mr. Dunn was then required to retract his expression. He refused. The confusion was indescribable.—Dr. Beaumont advised Mr. Dunn to say that he regretted the expression, as the Conference so universally and so feelingly expressed its opinion.—Mr. W. Bunting threw out a suggestion, which, after several ineffectual attempts to be heard, led Mr. Dunn to say—"The words, as they are offensive to the Conference, I retract; but the argument, in illustration of which I used them, I will never retract."

In conclusion, we ask—Whether, in our previous "Fly Sheets," we have not proved certain abuses to exist? Have the charges we have made been answered? Has not all the outcry of the Conference been simply as *to who is the Author*† of the "Fly Sheets," rather than what are the charges of the "Fly Sheets?" As we suppose the Conference consider they have now settled the question of Authorship, we will put, in a convenient form for answering, a recapitulation of our charges, that they may apply themselves to these:—

1st—We charge Doctor Bunting with not having regulated his conduct by his own Liverpool Minutes.

2nd—We state that the location of Wesleyan Ministers is incompatible with the proper working of Wesleyan Methodism.

3rd—We state that Doctors Bunting, Alder, Beecham, and Mr. Hoole have cost the Missionary Society, in the thirteen years from 1833 to 1845, in salaries, £8,090; for coals, candles, and taxes, £6,381; for repairs‡ and furniture, £4,942.

4th—We state that Dr. Alder has been in the habit of travelling in first-class carriages—putting up at the head inns of the towns he visits, to the scandal of the cause, and at the cost of the funds.

5th—We state that Dr. Bunting received something like £2,000 from certain laymen, who have always been retained on our Connexional Committees, to the exclusion of men equal in talent to the donors and above them in independency; and that £500 was collected to help G. Cubitt; while poor J. Overton, at the next Conference, was dropped for debt from the Minutes?

* This tenderness with respect to the "expression" is very absurd, coming from men who had had a public dinner at an inn, a few days before, to manage their presidential election, and at which so much brandy and wine were drunk, that the waiters say their master had good reason to be satisfied with the quantity consumed. We should like these brethren to publish a copy of their tavern reckoning.

† We beg to remind them of a saying of Dr. Beaumont's—"What is here to be done about who put the leaven in; any old woman may put the yeast into the meal, but a hundred old women (a legal hundred we presume) cannot get it out again till it has leavened the whole lump."

‡ The large item for repairs has been explained by Mr. Hoole, in a letter of reply to an enquirer, as arising from the devastation caused by rats, and from the painting of their premises having been so badly executed, that it had been washed off by the rain, and the improvement of the sewerage to keep off the recent cholera!

6th—We state that the lay agent, Mr. Jackson, was appointed to his office without the consent of Conference having been first obtained, and that though he costs* the society little short of £400 a year, no one knows what he does for it.

7th—We state that the system of centralizing has been carried to an unwarrantable extent, and that the London District has assumed an improper authority.

8th—We state that Mr. Wesley's dying request cautioning the brethren against partiality has been disregarded, as shown in our tabular statement, and in the cashiering some men for contracting debts, whilst others, debtors to a larger amount, have been honoured by official appointments, through favouritism.

9th—We state that secularization* has resulted from location and centralization, and that the ministerial usefulness of the "secular clergy" has been thereby impaired.

10th—That Presidential re-elections are an injustice towards those brethren, equally eligible, who have not filled the chair.

11th—We state that the Nomination Committee was formed for party purposes, and that it is continued for the gratification of a few favourites, to the unfair exclusion of many.

12th—We state that the Stationing Committee have frequently injured the character of the brethren, and that their acts are not governed by that candour and justice which ought to characterize such a body.

13th—We state that the Missionary Deputation List shows a disregard to expense, and exhibits marked favouritism.

14th—That Dr. Bunting frequently assumes the Dictatorship† in the assembled Conference.

15—We state that the "Floating Opinions" on the subject of abuse and misrule are symptoms of dissatisfaction, which opinions would be openly stated in Conference if the brethren had more moral courage, and were secured from that persecution which has always been awarded to the brother who has opposed the "one President."

We hope some champion will enter the list and take up these fifteen statements, and put it out of our power to keep reiterating that our charges are not met. There is no want of Pamphleteers; for how many have shown a readiness to convince the people of the justice of the Conference in the expulsion of Messrs. Everett, Dunn, and Griffith. We cannot pretend to review the pamphlets, nor even to state their number. One week after another, some good brother satisfied the "worse has not yet been made to appear the better reason," either by the ponderous pamphlet of the President, or the "Stand-still" one from Burton-upon-Trent, tries his pen in the cause. We think these‡ might most of them have been better employed than in likening the "three expelled" to Robespierre, the incestuous Corinthians, or to Ananias and Sapphira.

* We have been asked—Why could not such a man as T. R. Fisher, whom none who know will think unequal to the station, be placed in the Mission House, where his partial loss of voice would be no detriment, instead of his being driven, in middle age, into business? If he had been the relative of Doctor Bunting, instead of the nephew of Josiah Hull, would he now have been behind a counter in Bristol?

See his conduct at the last Conference, when his son very properly objected to W. Naylor, J. Crowther, and G. Osborn being on the Committee for trying Everett and Burdall, as, in the words of the President, "they had been painfully mixed up in the affair;" on which occasion Dr. Bunting, with a look that many will not forget, said, sharply, "There must be but one President here."

‡ The last champion that has taken up the cause is J. T. Milner; now we advise him to employ himself in sermon making, that he may not have to use those furnished him by his father, a layman; his brother, an Independent Minister; and another brother, a layman; as he not only has done in his former circuits, but has gloried in this his shame.

We know not what may be the proceedings of next Conference in reference to our discovery, and identification. Perhaps while we write, the Officers of the Holy Inquisition may be preparing new instruments of torture : but our mind is made up. We know not that we shall visit the next Conference unless W. M. Bunting moves that Brother ——— be sent for : for we are wearied with the exhibition of priestly domination, and humiliating and disgraceful subserviency—though it may be sought to elevate it into the name of unanimity. We are sick of seeing the English language sifted of every laudatory adjective with which to decorate their votes of thanks to each other : we loathe the recollection of the grossest partiality that was ever exhibited by a chairman, receiving the warmest thanks of the brotherhood, who, not content with this, have canonized the man before his death—"the saintly President;" and we are disgusted with the exhibitions of the Fugle-man,* who, though he clamours none down himself, yet with his significant shake of the head—his upraised eyes, as in surprise and horror—and with his half-raised hands—he gives the signs to the young brethren just escaped from being "ordinary tradesmen," who are ready, as the case may be, "to applaud to the echo," or to clamour down with expressions of unmitigated disgust.

Alas ! we need not cite examples of this : the thing is too notorious to be denied by the Doctor's own partisans. He has done it till it has become a habit,—and while nearly every member of the last Conference witnessed it, he had the forgetfulness or the hardihood to deny it, when it was objected to by Mr. Dunn. We say we are prepared for his nods, and shakes, and lowering scowls. We are prepared for the impertinence of Wesley Thomas, and George Osborn—for the petulance of W. H. Rule and Peter Duncan—for the mock gravity of Dr. Hannah and Wm. Naylor—and hardest task of all, for the silent witnessing of such exhibitions by Dr. Dixon without his testifying to their iniquity. We are prepared for all this; and also for the brotherly question, "Are you the Author of the Fly Sheets," and our reply to this enquiry will be, "Oh, Nebuchadnezzar, we are not careful to answer thee in this matter; nor will we worship the image thou hast set up."

We now take a short farewell, promising the brethren No. 6 soon after Christmas, as one of our Committee has it already in hand.

If we must suffer for exposing here the sins
Of others, be it so; but if we'd known
Ere we began, how brethren would evince
Their paltry jealousies, we would have thrown
Our pen and paper on the shelf; but since
'Tis come to this WE WILL NOT LAY THEM DOWN;
But still proceed, as hitherto we've done,
Until we finish what our zeal begun.

Rev. John Wesley Thomas's Apology for Don Juan, Canto 2nd, xxiii.—CLARKE, London

By order of the Corresponding Committee for detecting, exposing, and correcting abuses. London, Manchester, Bristol, Liverpool, Birmingham, Leeds, Hull, Glasgow, in the year of grace 1849.

* Dr Newton.

"Who would not smile if such a man there be,—
Who would not weep if Atticus were he?"

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By a WATCHMAN, (an eminent Wesleyan Minister.)

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THE
METHODIST CHURCH PROPERTY CASE.

Report of the Suit of

HENRY B. BASCOM, AND OTHERS,
vs.
GEORGE LANE, AND OTHERS,

HEARD BEFORE

THE HON. JUDGES NELSON AND BETTS, IN THE CIRCUIT COURT, UNITED STATES,
FOR THE SOUTHERN DISTRICT OF NEW-YORK, MAY 17-29, 1851.

By R. SUTTON,
SPECIAL AND CONGRESSIONAL REPORTER.

Richmond and Louisville:
PUBLISHED BY JOHN EARLY,
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1851.

A D V E R T I S E M E N T.

THIS Report, which was agreed upon by both parties to the suit, is published, with their common sanction, by the Book Agents at New-York and Richmond.

CIRCUIT COURT, UNITED STATES.

FOR THE SOUTHERN DISTRICT OF NEW-YORK.

THE HON. JUDGES NELSON AND BETTS, PRESIDING.

HENRY B. BASCOM, and others, }
 vs. } *In Equity.*
GEORGE LANE, and others. }

Counsel for Plaintiffs,

MR. D. LORD HON. REVERDY JOHNSON, and MR. JOHNSON, JR.

Counsel for Defendants,

HON. RUFUS CHOATE, MR. GEORGE WOOD, and MR. E. L. FANCHER.

FIRST DAY.—MONDAY, May 19, 1851.

MR. LORD.—MAY IT PLEASE YOUR HONOURS,—In opening a case of this magnitude and importance, I feel that it is incumbent on me to give a brief detail before reading the papers, in order that these papers, and the whole subject, may be more easily understood. In our ordinary controversies we need no such preliminary; but we are now investigating the concerns of a religious denomination, and this controversy will relate to matters which are not of general information. The Court, therefore, will indulge me in the endeavour to state some of the general facts and circumstances out of which the controversy arises, particularly with the view of having an accurate definition of the subjects which will constantly recur in the reading of the papers.

The subject of this controversy is what is called, among gentlemen of this denomination, their "Book Concern." This is a fund which, upon the papers, appears to amount to some \$750,000. The origin and history of it seem to be this:—Upon the earliest establishment of the Methodist denomination by Mr. Wesley, he called to his aid the press in the dissemination of religious truth; and when Methodism was first introduced into this country, books were provided from England, to supply the wants of its very few adherents in regard to religious literature. Upon the independence of this country, the Methodist denomination had become measurably numerous, though not large. When it was organized as a separate Church, in addition to the means of instruction afforded by preaching, it was very obvious that a great want was to be supplied in the furnishing of religious literature to its people; and one of their preachers organized a system of publishing books in this country. It was originally established in Philadelphia. This preacher, whose name I think

was Cooper, lent a small sum of money to the object, and invested it in books. They were sold among the denomination; and out of the profits a small capital was gradually formed, which was employed in publishing books. This came to be a matter of some magnitude; and in the year 1836 it had been removed to this city, and become an extensive establishment. It had undergone considerable vicissitudes; but at that period it was emerging from its difficulties, and becoming a great establishment. It was then destroyed by fire. It was afterward reinvigorated, as everything in this city seems to have been by the fires of that period; and from that time to the present it has gone on with great prosperity, so that it has accumulated a capital of about \$750,000.

The manner in which these books were circulated will perhaps be worthy of your Honours' attention in the history and consideration of this case. It was early provided that the preachers should see that their congregations were supplied with books. They took the books from the publishing establishment, and sold them: and in that way there was in fact a real, substantial, and beneficial monopoly in the furnishing of religious books, and all the preachers were agents in carrying it out. They were very faithful men—stimulated, not by the love of gain, but by the higher purpose of religious devotion. Of course, a fund thus constructed could not but become very considerable. Your Honours will have your attention called to the fact that it was really the result of the devotion and services of the preachers. It was not, like many charitable funds, a fund growing out of donations of wealthy men; but it was, in its main features, the earnings of this system. Its profits, after providing capital enough to carry on its business successfully, were devoted at an early period to one single purpose in two or three branches:—That purpose was, the making up of the deficiencies in the salaries of travelling preachers, and providing for the supernumerary, superannuated preachers, the wives and children of preachers, and the widows and orphans of deceased preachers. The number of these appear regularly on the Minutes of the General Conference of this society. That, therefore, was the destination of the profits of this fund; for it was no object to accumulate capital for the mere purposes of accumulation.

It is now necessary that I should introduce another subject—the conferences of the Methodist Episcopal Church—because they become very important, vitally important, to be understood in this controversy. The concerns of the Methodist Church are managed by what are called Annual and General Conferences. At the introduction of Methodism into this country, its preachers were not very numerous. Although the extent of country was great, there were in all but seven annual conferences. I ought, perhaps, to explain what the annual conferences are. Originally all the preachers of this denomination met every year, and disposed of that which was general in their concerns. The conferences consisted of travelling preachers, who served particular districts of country, somewhat analogous to the division of districts in our judicial system. Originally the whole of Methodism in the United States was but one conference, and consisted of but a small number of preachers. In 1784 that was the case. But it very soon became necessary to divide this conference. It was divided; but, although a division, in fact it was a multiplication also. At first the annual conference was in fact the General Conference of the Methodist Church; then the earliest formed from this were the Philadelphia and New-York Conferences. As the territory increased, these annual conferences were divided, and formed new bodies; until in 1844, which is the period at which we shall arrive, there were something like thirty-two or thirty-three annual conferences. These annual conferences had a general oversight of the Churches; they examined the character of the preachers, the working of the system, and reports were yearly made to them

of the deficiencies of the funds raised in the districts to supply their preachers. Every two years preachers were changed from one congregation to another. Collections were taken up in these various congregations to supply the preachers. Their salaries were very small; the people, to a great extent, poor. Many of these districts could not quite pay their preachers. These deficiencies were reported to the annual conferences, and supplied out of their funds. That will show your Honours what we mean when we come to speak by-and-by of the "deficiencies" of the travelling preachers. That means the deficiencies in funds supplied by poorer congregations to pay their own preachers; for it is a part of the economy of this Church that the richer portions of the country should supply the wants of the poorer, and the clergy always be kept on a footing of absolute equality. Every four years these annual conferences met in a General Conference. This General Conference was the general legislative body of this Church, and all matters of general concern were there considered. They established articles of religion; they made changes in the religion and economy of the Church. Every year when they separated, they published a new book of discipline, which contained the doctrines of the Church, and that superseded everything which had gone before, and became the law of the Church as to organization, discipline, and doctrine. This was therefore the act of the Church in the most absolute sense. This was the state of things from the organization of Methodism in this country in 1784, up to 1808. In 1808 the body had become so numerous, and its power was so absolute, that the more conservative men in the Church were a little alarmed at the extent of it; because it will appear in its history that it was considered capable of changing the articles of religion, and it was considered dangerous that such a body, which might be attended by more members from nearer, and less from more distant conferences, should have such great powers. In 1808 a change was made in the organization of the General Conference. They resolved that the General Conference should consist of delegations from each annual conference. It was, therefore, the general body of the Methodist Church, met together in the form of its ministers, but only by committees. Instead of being a meeting of the whole absolutely, it was a meeting of the whole by delegations. At that period provision was made against the absolute power which this body possessed, and there were various "restrictive rules," so called, established to limit it. Those restrictions were to this effect; and the extent of the powers of that body, as it existed before, and, indeed, as we say, continued to exist, will appear by the character of these restrictions. Our view of the powers of that body is, that they were equally unlimited with those of previous General Conferences, except so far as these restrictions restrained them. One of the restrictions was, that they should not change the articles of religion; another that they should not change their hierarchy; another, that they should not change the degree of representation. That is, supposing the delegation be one out of every eight in the annual conferences, that ratio should not be changed by the General Conference. Another was, that they should not change what were called the rules of the United Societies. The United Societies are ecclesiastical organizations of the members of the Churches, with rules which govern them in their relations with one another, with the world, and in regard to religious observances. It was provided that the General Conference should not make a change with regard to the mode of trial of members and preachers; and the last, the sixth restrictive rule, (which is the one which will most come before your Honours' attention,) provided that they should never apply the profits of this Book Concern to any other purpose than that of supplying the deficiencies of the travelling, and providing for the supernumerary, superannuated preachers, their wives and children, and the widows and orphans of such as were deceased. There was one provision

over-riding the whole—that upon the request of three-fourths of the annual conferences, sanctioned by a vote of the General Conference, these restrictive rules might be varied, but without this primary vote of the Church they could not be changed. That presents to your Honours the subject of the general and annual conferences ; and a great question in this case will arise upon the character and power of the General Conference, and the instruction and effect of that sixth restrictive rule.

I now come to the particular controversy in this case. It is one in relation to which the excitement at this time and in this country is great. It grew out of the existence of slavery. Very early the Methodists, both on the subject of temperance and of slavery, took a ground, the highest and most exclusive ; and one of the rules of the United Societies (which are the particular, and private, and domestic organizations of Churches composing the denomination) was, that no person should belong to them who bought men and women with the view of reducing them to slavery. As we suppose, that originally had reference to the slave-trade as a matter of commerce which was then carried on. But very soon it was evident that this Society viewed it in a larger aspect, and in one of the earlier conferences a rule of a very extreme character was adopted. It was at a conference which began at Baltimore in December, 1784, which is known as the “Christmas Conference.” They adopted a rule quite exclusive on the subject of slavery, not merely as to the buying and selling of men and women, but in the most severe form and manner, compelling the manumission of slaves. That threatened to become so destructive to the Society, in its attempts to penetrate the Southern and Western parts of the country, which were considered the most open fields for the operation of the Methodist principles, that at the first meeting of the conference afterwards, the very next year, the rule was suspended, and in the next book of discipline it was omitted. From time to time rules were adopted in this Church, sometimes of a more stringent, and sometimes of a more lax character, on the subject of holding slaves. The Church, North and South, always considered slavery an evil ; that is, that it would have been better if no such thing had ever existed. They, however, treated it as one of the evils among them, and conformed their religious discipline on the subject to the laws of the various States ; so that it was declared that no person should hold any office in the Church who did not manumit his slaves, when the laws of his State permitted it. If the State did not permit it, the holding of slaves was not to be a subject of official or personal reproach. They provided also that their preachers should teach the members of their Churches to instruct their slaves ; showing that they took the practical view of this as a thing to be dealt with as existing, and which it was not in the power of any man, or body of men, clerical or lay, by their wishes to destroy.

About the year 1836, the agitation, which has been called “abolitionism,” began in this country. In 1840, it began seriously to disturb the peace of the Methodist Church. In that year a case arose from one of the Baltimore Conferences, which gave very serious concern and alarm to the conservative members of the General Conference ; and the bishops and conference, in their action on it, gave it what I would call a “go-by.” They avoided dealing with it in its strength, and expressed conservative and soothing opinions, recommending to all the avoiding of any agitation of so destructive and distressing a question. From that time until the meeting of the General Conference in 1844, this agitation raged among the Northern and North-Western conferences, and had, of course, produced a reaction at the South. In 1844, the thing became exceedingly rife, and presented itself in the General Conference of that year in a form which was decisive. And it will be one of the objects of the papers which we shall read, and the argument we shall present, to show that a state of things occurred which made necessary the separation of this Church into two parts.

It seems that the Baltimore Conference, which lies on a line between the North and the South, took ground with the more ultra persons in the North. There was a preacher named Harding, who, by marriage or inheritance, acquired one or two slaves which, by the laws of Maryland, he could not emancipate. This circumstance was brought very early to the attention of the General Conference of 1844, in connexion with a vast number of petitions from New-England, Western New-York, and other places, on the question of slavery. It came up in an appellate form. The Baltimore Conference had suspended this clergyman, degraded him, in fact, on account of this connexion with slavery. It was in vain urged that his connexion with the slaves was such that he could not manumit them.

HON. REVERDY JOHNSON.—In fact they were not his.

MR. LORD.—The Conference determined that they would degrade him for that connexion, though the slaves were not his. He appealed to the General Conference, and there the question was discussed with great animation and great ability, and the sentence of degradation was confirmed.

The matter, however, then took a still graver aspect. One of the bishops, a gentleman of Georgia, was in a somewhat similar position. He had one slave left him, on condition that he should liberate her and send her to Liberia, with her consent. But she would not go to Liberia, and the bishop remained her owner. She lived where she pleased, but still remained legally a slave; and, as it was said, she might have been sold for his debts, and he made liable for her support. He also, through inheritance from a former wife, had a slave whom he could not manumit. Also upon his second marriage, his lady had some slaves which he could not manumit; indeed they were secured to her by marriage settlement. This was his connexion with slavery. In every other respect he was blameless. Everything estimable was conceded to him. But the spirit of agitation was rife; it had been warmed up in the Conference by the debates on the Baltimore case; and nothing would do but that this bishop should be dealt with. But it was a matter of some delicacy to deal with the bishop. Should he be tried? for there was a provision for the trial of bishops; and if he should be tried and condemned, he would not only be degraded from the episcopacy, but expelled from the Church. They did not venture to go against this man in that way. A course was taken which, if this had not been a religious body, sincerely adherent to religious principles, (however, we may deem them mistaken,) would have been regarded as debasing. I will not characterize it otherwise than as a queer sort of proceeding. They resolved to request Bishop Andrew to desist from all action as a bishop, during the existence of his connexion with slavery; which was very much the same as if Congress, or any body that should assume to itself such an office, should say that one of your Honours venturing to take a little wine at dinner should be requested never to act as judge until you chose to abstain. In other words, without a crime which could be tried, on a matter of mere expediency they requested this bishop to cease to be a bishop. And it was followed up by several circumstances at that Conference, unintentional I am persuaded, which gave effect to this degradation, and which are rarely to be seen in such cases.

It seems that after every General Conference they republished their Discipline, Hymn Book, and some publications that were of a character to be renewed. It was put, as a question, What should become of the name of Bishop Andrew? Should it be put in the Hymn Book? The vote of the Conference was that it should; so that in every Methodist congregation there should appear to the children, while

turning over the leaves of the Hymn Books as their parents were singing, the name of Bishop Andrew. The question would be, What is the matter with Bishop Andrew? In that way, unintentionally, this degradation was made in the most conspicuous manner in which I think it could be. At that period there was a new election of bishops, and when other Reverend gentlemen acted in the consecration, Bishop Andrew, who was on the spot,* a man of unblemished character, against whom no shadow of imputation rested, was excluded; at least, having been requested to suspend his duties, he could not with decency act.

This, as your Honours may see, was the declaration of a permanent purpose, which it was very evident to the gentlemen of the Southern Conference, prevented them from prosecuting in harmony the objects which the Church had in view—as they define it—the spreading of Christian holiness over these lands; for it was evident, these principles being assented to, that this Church must be extinct in the Southern States. The gentlemen from the Southern States made a declaration to the Conference of 1844, that such would be the effect of these measures being taken. They also made a protest, which will be presented and read, giving very fully their views on this subject. That protest was followed by a reply on the other side, which gave the views of the majority. That, I presume, will also be laid before the Court, and you will see whether or not there had not arisen a state of things in which, as the delegates of the South expressed it, the Church was already divided. This became apparent to some gentlemen of wisdom in that Conference; and it was moved to appoint a committee for the purpose of determining whether there could not be a division of the Church into two bodies, so that they might go on separate from each other, in pursuit of the same objects, with the same organization, only, as a Methodist writer, an English gentleman, expressed it, “Whereas this year it was the province of Canterbury, next year it might be the provinces of Canterbury and York.” A plan of division was presented, underwent discussion, and was adopted by a large vote. It was in substance this:—That if the Southern conferences should find it necessary, they might organize themselves into a separate and independent Methodist Church at the South, and in that event commissioners were appointed to deal with regard to the distribution of the funds. That was made the occasion, in connexion with the constitutional scruples of some gentlemen, of the question, whether they would have a right to give to the Southern body of the Church their share of the Book Concern without an alteration of the restrictive articles. A provision was made that this fund should be divided, if the sixth restrictive article was changed, and a ratio of division was provided, and commissioners were appointed on the part of the Northern Church to act with commissioners from the Southern Church to carry this division into effect. They then separated. On the separation, the gentlemen from the Southern conferences immediately presented the subject in a general address to the Southern conferences, giving them the details of what had happened in the General Conference, and asking the Southern conferences to take up the question and say whether they found it necessary to form an independent body or not. The fifteen or sixteen Southern conferences—sixteen, I think, there were—all united in voting that it was impossible to go on with the Northern gentlemen in this state of things; that the only way of retaining the existence of the society in the South, was by establishing a separate organization. They elected delegates to meet at Louisville in 1845, by whom this measure should be considered in general council. The Convention of 1845 adopted a plan of a Southern organization, and appointed a General Conference of the Methodist Church, South, to be held in 1846. They adopted every article of religion, every article of doctrine,

* This was afterwards shown to be a misapprehension of the counsel as to this fact.

everything of discipline, and the organization of the Church, as held by the Northern Church. Indeed, they took the established Book of Discipline, and printed it anew, with the same mode of representation, and in every respect the two were identical, except that the General Conference, instead of being one, was now divided into two. They appointed commissioners to deal with commissioners from the Church, North, with respect to the division of the common fund. When these commissioners assembled, this state of things met them: the commissioners of the Northern Church had been overtaken by scruples as to the constitutionality of that thing, and refused to treat at all. The commissioners of the Southern Church deferred until their Conference of 1848 met, which determined, after the Mississippi style, that the Conference of 1844 had no power to enter into this plan, and that the Northern Church was the only Church; and that the plan of the Southern Church, which had really been formed at the invitation of the General Conference of 1844, was null and void, and that by that very organization they had all become seceders; that is to say, these fifteen or sixteen conferences had ceased to be members of the Methodist Episcopal Church at all. They adopted an additional rule, which, I confess, always seemed to be one which nothing could sanction, that the supernumerary and superannuated preachers, the orphans and widows of preachers, as well as travelling preachers of the Southern Church, should not partake of this fund which had been earned by their common services, and which was provided originally as a reward to those who could work no longer, for their past services. I can understand, and have often seen in these controversies, that when the connexion is broken, it would be a misappropriation of a fund, devoted to the spreading of certain religious truths, to apply it to the propagation of different principles, carried on by a different ecclesiastical organization; but I have not, to this moment, been able to understand how the orphans and widows of the preachers, the old men and supernumeraries of that Southern Church, should be excluded from participation in a fund which they, and their fathers, and husbands, had earned. I have not been able to see how it is possible that they can be shut out from it by that which has taken place, even if our friends on the other side should be right on the subject of secession.

We now claim in behalf of these Southern conferences, that this fund shall be divided as to the beneficiaries.

We also suppose it must be divided as to the trustees. But that is another question. It may remain in the hands of the same trustees and the beneficiaries in the Southern country be entitled to it; but I suppose that if we are right, your Honours will say, that the Southern Conference, under the circumstances, has an equal right with the North to appoint the trustees—the persons by whom it is to be distributed; that not only should they be entitled to the profits of the fund, but also to a division of the capital, and to appoint the trustees to manage the capital, or that they should be appointed by your Honours or nominated by the Southern conferences. This is the whole question before us. It is a grave question, undoubtedly, in its amount and interest, reaching not only to this fund, but, so far as I can see, to the stability and title of every Methodist parsonage or preaching-house in the Southern country, because, they all being established for the benefit of the Methodist Church, if this is secession, I do not see but that the Methodist Church is exterminated altogether in the Southern country.

If your Honours please, I will now call your attention to the Bill and the Defendants' Answer.

The bill is filed in the name of commissioners, who have been appointed by the Southern Church, and who are preachers entitled to be beneficiaries of this fund. One of these commissioners has died since his appointment, and we propose to re-

der the proceedings perfect in respect to this demise by substituting, by assent, the name of another gentleman who has been duly appointed his successor.

The parties to the bill are "Henry B. Bascom, a citizen of Lexington, in the State of Kentucky; Alexander L. P. Green, a citizen of Nashville, in the State of Tennessee; Charles B. Parsons, a citizen of Louisville, in the State of Kentucky;"—these were travelling preachers, and they were entitled to a share of this fund; then there are "John Kelly, a citizen of Wilson County, in the State of Tennessee; James W. Allen, a citizen of Limestone County, in the State of Alabama."—these are supernumerary preachers—"and John Tevis, a citizen of Shelby County, in the State of Kentucky," who was a superannuated preacher. Your Honours will see, therefore, that we have all the classes of beneficiaries, except the widows and orphans.

The defendants are George Lane, Levi Scott, George Peck, and Nathan Bangs, citizens of the city of New-York, who are the persons that have in charge this "Book Concern," and it is due both to them and to ourselves that I should say that they have not participated in the heat to which this case has given rise, but have deemed it necessary to remain inactive, until their course shall be pointed out by the determination of this suit. Of their proceedings we cannot complain, nor can they be spoken of but with respect.

In their bill "the Complainants state and show to your Honourable Court, that before and on the 8th day of June, 1844, there existed in the United States of America, a voluntary Association, known as the Methodist Episcopal Church in the United States of America; not incorporated by any legal enactment, but composed of seven bishops, four thousand eight hundred and twenty-eight preachers belonging to the travelling connexion; and in bishops, ministers, and membership, about one million one hundred and nine thousand nine hundred and sixty,—then being in the United States, and territories of the United States, united and holden together in one organized body, by certain doctrines of faith and morals, and by certain rules of government and discipline.

"That the general government of the Methodist Episcopal Church was vested in one general body, called the General Conference, and in certain subordinate bodies, called annual conferences, and in bishops, and travelling ministers and preachers; and the great object of the said Methodist Episcopal Church was the diffusion of the principles of the Saviour of mankind—good morals, pure religion, piety, and holiness, among the people of the world. And the complainants allege, that the constitution, organization, form of government, and rules of discipline, as well as the articles of religion and doctrines of faith of the Methodist Episcopal Church, were of general knowledge and notoriety, nevertheless, for the more particular information of the Court, they refer to a printed volume, which will be produced on the trial of the cause, entitled 'The Doctrines and Discipline of the Methodist Episcopal Church.' And the complainants allege, that differences, and disagreements having sprung up in the Church, between what was called by the Church the Northern and Southern members, upon the administration of the Church government, with reference to the ownership of slaves by the ministry of the Church, of such a character, and attended with such consequences, as threatened fearfully to impair the usefulness of the Church, as well as permanently to disturb its harmony; and became and was with the members of the Church, a question of very grave and serious importance, whether a separation ought not to take place by some geographical boundary, with necessary and proper exceptions, so as that the Methodist Episcopal Church should thereafter constitute two separate and distinct Methodist Episcopal Churches. And thereupon the complainants allege, that at a General Conference of the Church, holden, according to usage and discipline, at New-York, on the 8th day of June, 1844, the following resolutions were duly and legally, and by a majority of over three-fourths of the entire body, passed; which resolutions are herewith copied, and prayed to be taken as part of this bill, which are in the words and figures, to wit :—

"Resolved, by the delegates of the several annual conferences, in General Conference assembled, 1. That should the annual conferences in the slave-holding States find it necessary to unite in a distinct ecclesiastical connexion, the following

rule shall be observed with regard to the Northern boundary of such connexion : All the societies, stations, and conferences adhering to the Church in the South, by a vote of a majority of the members of said societies, stations, and conferences, shall remain under the unmolested pastoral care of the Southern Church ; and the ministers of the Methodist Episcopal Church shall in no wise attempt to organize churches or societies within the limits of the Church, South, nor shall they attempt to exercise any pastoral oversight therein ; it being understood that the ministry of the South reciprocally observe the same rule in relation to stations, societies, and conferences, adhering by vote of a majority, to the Methodist Episcopal Church ; provided also, that this rule shall apply only to societies, stations, and conferences, bordering on the line of division, and not to interior charges, which shall, in all cases, be left to the care of that Church within whose territory they are situated.

“ 2. That ministers, local and travelling, of every grade and office, in the Methodist Episcopal Church, may, as they prefer, remain in that Church, or, without blame, attach themselves to the Church, South.

“ 3. Resolved, By the delegates of all the annual conferences, in General Conference assembled, That we recommend to all the annual conferences, at their first approaching sessions, to authorize a change of the sixth restrictive article, so that the first clause shall read thus, “They shall not appropriate the produce of the Book Concern, nor of the Chartered Fund, to any other purpose other than for the benefit of the travelling, supernumerary, superannuated, and worn-out preachers, their wives, widows, and children, and to such other purposes as may be determined upon by a vote of two-thirds of the members of the General Conference.”

“ 4. That whenever the annual conferences, by a vote of three-fourths of all their members voting on the third resolution, shall have concurred in the recommendation to alter the sixth restrictive article, the Agents at New-York and Cincinnati shall, and they are hereby authorized and directed to, deliver over to any authorized agent or appointee of the Church, South, should one be organized, all notes and book accounts against the ministers, church-members, or citizens, within its boundaries, with authority to collect the same for the sole use of the Southern Church, and that said agents also convey to aforesaid agent or appointee of the South, all the real estate, and assign to him all the property, including presses, stock, and all right and interest connected with the Printing Establishments at Charleston, Richmond, and Nashville, which now belong to the Methodist Episcopal Church.

“ 5. That when the Annual Conferences shall have approved the aforesaid change in the sixth restrictive article, there shall be transferred to the above Agent for the Southern Church, so much of the capital and produce of the Methodist Book Concern, as will, with the notes, book accounts, presses, &c., mentioned in the last resolution, bear the same proportion to the whole property of said Concern, that the travelling preachers in the Southern Church shall bear to all the travelling ministers of the Methodist Episcopal Church. The division to be made on the basis of the number of travelling preachers in the forthcoming Minutes.

“ 6. That the above transfer shall be in the form of annual payments of \$25,000 per annum, and specifically in stock of the Book Concern, and in Southern notes and accounts due the establishment, and accruing after the first transfer mentioned above ; and until the payments are made, the Southern Church shall share in all the net profits of the Book Concern, in the proportion that the amount due them, or in arrears, bears to all the property of the Concern.

“ 7. That Nathan Bangs, George Peck, and James B. Finley, be, and they are hereby appointed, commissioners, to act in concert with the same number of commissioners, appointed by the Southern organization, (should one be formed,) to estimate the amounts which will fall due to the South by the preceding rule, and to have full power to carry into effect the whole arrangements proposed with regard to the division of property, should the separation take place. And if by any means a vacancy occurs in this Board of Commissioners, the Book Committee at New-York shall fill said vacancy.

“ 8. That whenever Agents of the Southern Church are clothed with legal authority or corporate power, to act in the premises, the Agents at New-York are hereby authorized and directed to act in concert with said Southern Agents, so as to give the provisions of these resolutions a legally binding force.

“ 9. That all the property of the Methodist Episcopal Church, in meeting-houses, parsonages, colleges, schools, conference funds, cemeteries, and of every kind, within

the limits of the Southern organization, shall be forever free from any claim set up on the part of the Methodist Episcopal Church, so far as this resolution can be of force in the premises.

“ ‘ 10. That the Church so formed in the South shall have a common right to use all the copy-rights in possession of the Book-Concerns at New-York and Cincinnati, at the time of the settlement by the commissioners.

“ ‘ 11. That the Book Agents at New-York be directed to make such compensation to the conferences South for their dividend from the Chartered Fund, as the commissioners above provided for shall agree upon.

“ ‘ 12. That the Bishops be respectfully requested to lay that part of this report requiring the action of the annual conferences, before them as soon as possible, beginning with the New-York Conference.’

“ And the complainants allege, that the said General Conference had full, competent, and lawful power and authority, to pass and adopt the said resolutions, and each and all of them, and that the same thereby became and were of binding force and validity.

“ And the complainants further allege, that after the adoption of the foregoing resolutions, such proceedings were had in the several Annual Conferences of the Methodist Episcopal Church in the slave-holding States; that a full convention thereof, by delegates, elected on the basis of the resolutions of the General Conference of 1844, assembled at Louisville, in Kentucky, on the first day of May, 1845; and the said convention, after full and mature consideration, adopted the following resolutions, which they pray may be taken as part of this bill :—

“ ‘ Be it resolved by the delegates of the several annual conferences of the Methodist Episcopal Church in the slave-holding States, in general convention assembled, That it is right, expedient, and necessary, to erect the annual conferences represented in this convention into a distinct ecclesiastical connexion, separate from the jurisdiction of the General Conference of the Methodist Episcopal Church, as at present constituted; and accordingly we, the delegates of said annual conferences, acting under the provisional plan of separation adopted by the General Conference of 1844, do solemnly declare the jurisdiction hitherto exercised over said annual conferences, by the General Conference of the Methodist Episcopal Church, entirely dissolved; and that said annual conferences shall be, and they hereby are constituted, a separate ecclesiastical connexion, under the provisional plan of separation aforesaid, and based upon the Discipline of the Methodist Episcopal Church, comprehending the doctrines and entire moral, ecclesiastical, and economical rules and regulations of said Discipline, except only in so far as verbal alterations may be necessary to a distinct organization, and to be known by the style and title of the Methodist Episcopal Church, South.

“ ‘ Resolved, That we cannot abandon or compromise the principles of action upon which we proceed to a separate organization in the South; nevertheless, cherishing a sincere desire to maintain Christian union and fraternal intercourse with the Church, North, we shall always be ready, kindly and respectfully, to entertain, and duly and carefully consider, any proposition or plan, having for its object the union of the two great bodies in the North and South, whether such proposed union be jurisdictional or connexional.’

“ And the complainants further allege, That afterwards, viz., on the second day of July, Anno Domini, 1845, a council of the bishops of the Methodist Episcopal Church met at New-York, (which council was composed of the Northern bishops alone,) and then and there unanimously adopted the following resolutions, which they pray may be taken as part of this bill :—

“ ‘ Resolved, That the plan reported by the select committee of nine, at the last General Conference, and adopted by that body, in regard to a distinct ecclesiastical connexion, should such a course be found necessary by the annual conferences in the slave-holding States, is regarded by us as of binding obligation in the premises, so far as our administration is concerned.

“ ‘ Resolved, That, in order to ascertain fairly the desire and purpose of those societies bordering on the line of division in regard to their adherence to the Church North or South, due notice should be given of the time, place, and object of the meeting for the above purpose, at which a chairman and secretary should be appointed, and the sense of all the members present be ascertained, and the same be forwarded to the bishop who may preside at the ensuing annual conferences; or

forward to said presiding bishop a written request to be recognised and have a preacher sent them, with the names of the majority appended thereto."

"And the complainants allege, That by and in virtue of the foregoing proceedings, the Methodist Episcopal Church in the United States, as it had existed before the year 1844, became and was divided into two distinct Methodist Episcopal Churches, with distinct and independent powers and authority, composed of the several annual conferences, charges, stations, and societies, lying or being situated North and South of the afore-described line of division.

"And the complainants further allege, That by force of the foregoing proceedings, the Methodist Episcopal Church, South, became and was entitled to its proportion of all the property, real and personal, and all funds and effects, (said property and funds of the Methodist Episcopal Church, had been obtained and collected by voluntary contribution, in which contribution the members of the Church South contributed the largest portion of the same,) which, up to the time of the separation, had belonged to the Methodist Episcopal Church in the United States, and that the Methodist Episcopal Church, South, was, and is so entitled, without any change or alteration of the sixth restrictive article above mentioned; but the complainants allege, That, if the change in the sixth restrictive article were necessary in order that the Church, South, should obtain an equitable division of the Church property, a majority of three-fourths of all the members of the several annual conferences which voted directly on the question, in view of a division of the property, has been obtained.

"And the complainants further say, That before and on the said 8th day of June, 1844, the Methodist Episcopal Church in the United States owned and possessed large amounts of property in various parts of the United States, in addition to the meeting-houses, parsonages, and other estates of that description, and that said property, real and personal, was in the hands of the agents and trustees, being in some instances corporations, but more frequently in private and unincorporated individuals: That among other descriptions and claims of property, there belonged to the said Church, what was denominated the 'Book Concern,' in the city of New-York, consisting of houses, lots, machinery, printing-presses, book-bindery, books, paper, debts, cash, and other articles of property, amounting in all to about the sum of seven hundred thousand dollars, the whole of which lands and goods, property and effects, so situated, are now in the possession of the defendants, Lane and Scott, denominated hereinafter as Book Agents.

"And the complainants further say, That after the separation of the Methodist Episcopal Church into two distinct Churches, by virtue of the resolutions of the General Conference of 1844, and the action of the annual conferences in the South, as heretofore set forth, the Agents of the Book Concern at New-York, in pursuance of the provisions and terms of said resolutions, paid to the several annual conferences of the Methodist Episcopal Church, South, their proportion of profits and income of the Book Concern, as fixed and set apart by the said agents for the year 1845. But the complainants further allege, That since the year 1845, the said agents have utterly refused to pay to the said annual conferences, South, and to complainants, for and on behalf of them, their said just proportions of the profits and income of the said Book Concern, and still continue to withhold the same; to the manifest loss and injury of the said Church, South, and in plain violation of their rights. And the complainants further say, That the General Conference of the Church, South, holden at Petersburg, Virginia, on the day of May, 1846, in pursuance of, and in compliance with, the aforesaid resolutions of the General Conference of 1844, proceeded to appoint the complainants, Bascom and Green, together with S. A. Latta, commissioners, to meet the commissioners appointed by the General Conference of the Methodist Episcopal Church of 1844, and settle and receive from said commissioners the just proportion of the property and effects due the South, according to the plan of separation, which resolutions are in the words and figures following, to wit, and prayed to be taken as part of this bill:—

"1. Resolved, by the delegates of the several annual conferences of the Methodist Episcopal Church, South, in General Conference assembled, That three commissioners be appointed, in accordance with the "Plan of Separation," adopted by the General Conference of the Methodist Episcopal Church, in 1844, to act in concert with the commissioners appointed by the said Methodist Episcopal Church, to estimate the amount due to the South, according to the aforesaid "Plan of Separation,"

and to adjust and settle all matters pertaining to the division of the Church property and funds, as provided for in the said "Plan of Separation," with full powers to carry into effect the whole arrangement with regard to said division.

"2. Resolved, That the Commissioners of the Methodist Episcopal Church, South, shall forthwith notify the commissioners and Book Agents of the Methodist Episcopal Church, of their appointment as aforesaid, and of their readiness to adjust and settle the matters aforesaid; and should no such settlement be effected before the session of the General Conference of the Methodist Episcopal Church, in 1848, said commissioners shall have power and authority, for and in behalf of this conference, to attend the General Conference of the Methodist Episcopal Church, to settle and adjust all questions involving property or funds, which may be pending between the Methodist Episcopal Church and the Methodist Episcopal Church, South.

"3 Resolved, That should the commissioners appointed by this General Conference, after proper effort, fail to effect a settlement, as above, then, and in that case, they shall be, and they are hereby authorized to take such measures as may best secure the just and equitable claims of the Methodist Episcopal Church, South, to the property and funds aforesaid."

"And thereupon, and under the authority of said last-recited resolutions, the said Bascom, Green, and Latta were duly appointed such commissioners, and their said appointment duly certified and made known to the commissioners appointed by the said resolutions of the General Conference of 1844. And the said complainants further say, that the said Bascom, Green, and Latta, immediately after their said appointments as such commissioners as aforesaid, applied to Nathan Bangs, George Peck, and James B. Finley, commissioners appointed by the seventh resolution of the said General Conference of 1844, and the said Book Agents at New-York, to act in concert with the commissioners appointed upon the part of the South, to settle and divide the property belonging to the Methodist Episcopal Church, between the Church North and the Church South, and requested them to proceed to the duty assigned them, by dividing the property, as contemplated and directed by said resolution; and that they, the complainants, Bascom and Green, together with the said Latta, have repeatedly called on them since for this purpose; but the defendants have wholly failed and refused to act in the premises, and complainants have not been enabled, although they have used all honourable and fair means, to get a settlement with them of this unpleasant question; nor have they been enabled to induce the said Book Agents of the Methodist Episcopal Church, nor the Church itself, nor the commissioners to pay to the Church South its proportionate share of said property and funds, as provided by said plan of separation.

"The complainants further show, that since the appointment of the said Samuel A. Latta, as one of the Commissioners, by the General Conference of the Methodist Episcopal Church, South, say on the day of February, 1849, he, the said Latta, hath resigned his office as such commissioner; and that they, the said Bascom and Green, by virtue of and under the authority of the said General Conference of the Methodist Episcopal Church, South, have appointed their co-complainant, Parsons, to fill the vacancy of said Latta. And the complainants allege, that they are members of the Methodist Episcopal Church, South; that they are preachers—Kelly and Allen are supernumerary, and Tevis superannuated preachers, and belong to the travelling connexion of said Church, South, and that, as such, they have a personal interest in the real estate, personal property, debts, and funds, now holden by the Methodist Episcopal Church, through the said defendants, as agents and trustees appointed by the General Conference of the Methodist Episcopal Church. Complainants further allege, that there are about fifteen hundred preachers belonging to the travelling connexion of the Methodist Episcopal Church, South, each of whom has a direct and personal interest in the same right with your complainants to said property, as above described, situated and held as aforesaid; that the great number of persons interested as aforesaid, in the recovery sought by this bill, makes it inconvenient, indeed, impossible, to bring them all before the court as complainants; that they are citizens of other States than the State of New-York, and their interests in the property in question exceeds two thousand dollars.

"Complainants further allege, that the defendants are members of the Methodist Episcopal Church, are preachers belonging to the travelling connexion of that Church, and that each of them has a personal interest in the said property and funds, as above described; in addition to which, the said defendants, Lane and Scott, have

the custody and control, by law, and by virtue of their appointment as Agents of the Book-Concern by the General Conference of the Methodist Episcopal Church, of all the said property and effects of said Book-Concern above described. That in addition to these defendants, there are nearly thirty-eight hundred preachers belonging to the travelling connexion of the Methodist Episcopal Church, each of whom has an interest in the said property in the same right, so that it will be impossible, in view of attaining a just decision of this controversy, to make all those interested, parties to this bill.

“Complainants further allege, that the entire membership of the Methodist Episcopal Church, South, is about four hundred and sixty thousand five hundred and fifty-three, and that the entire membership of the Methodist Episcopal Church is about six hundred and thirty-nine thousand and sixty-six; so that it will be at once seen by the Honourable Court, that it is utterly impracticable and impossible to bring all the parties in interest before the Court, in this bill, either as complainants or as defendants.

“And the complainants further say, that they bring this Bill by the authority and under the direction of the General and the annual Conferences of the Methodist Episcopal Church, South, and for the benefit and in behalf of the said Church, South, and the said General Conference, and for the benefit and in behalf of all the annual conferences in the said Church, South, and of themselves, and of all the preachers in the travelling connexion, and all other ministers and members of said Church, and all others having interest in the same right in its funds and property.

“To the end, therefore, and forasmuch as complainants, and those they represent, are greatly aggrieved and injured by the oppressive course pursued by the Methodist Episcopal Church, in their refusal to divide the said property according to equity, and in pursuance of the Plan of Separation, so as aforesaid set forth; and that complainants, so as aforesaid, are without relief, except in a Court of Equity, they pray your Honourable Court that they may be allowed to prosecute this bill in their own behalf, and in behalf of all those bodies and persons so interested, belonging to the Church, South, as above set forth; and that said defendants, by suitable process directed, &c., commanding, &c., be made defendants to this bill, for themselves and those they represent, as agents, trustees, and commissioners, and that, upon oath, they make full, true, and perfect answers to each allegation in this bill contained, setting forth their own rights, and the rights of those under whom they now act, and have heretofore acted, to the end that this Honourable Court may be enabled to ascertain the rights of all the parties, and decree accordingly.

“And the complainants particularly pray that defendants, Lane and Scott, may be required to produce a full, particular, and just account of all the real estate, personal estate, goods, debts, money, and effects of every sort or kind, now held by them, or either of them, as agent or agents, trustees, or members of the Methodist Episcopal Church in the United States; and that the said Bangs, Peck, and Finley, be required to answer upon oath, whether they were not appointed by the General Conference of the Methodist Episcopal Church of 1844, held at New-York, commissioners to act upon the part of the North, with the commissioners to be appointed on the part of the South, in case of a separate and distinct ecclesiastical connexion being formed by the South, in the division of the Church property, so called; and whether the complainants, Bascom, Green, and Parsons, and the said Samuel A. Latta, as commissioners, did not call upon them for a settlement, and to arrange the distribution of the Church property according to the Plan of Separation; and if they did not refuse so to act in the settlement and division of said Church property; and that they, all the said defendants, also be made to answer, all and singular, the allegations and matters in this bill set forth, as fully as though the same were repeated to them in the form of interrogatories, and they especially interrogated thereto.”

And then a decree is prayed, which I need not read.

To the bill of the plaintiffs the defendants have put in an answer.

Mr. JOHNSON, Junior, and Mr. FANCHER, read the answer, at the request of Mr LORD, as follows:—

“These defendants now, and at all times hereafter, saving and reserving to themselves all, and all manner of, advantage and benefit of exception to the manifold

errors, uncertainties, insufficiencies, and other imperfections, in the plaintiffs' said Bill of Complaint contained, for answer thereunto, or unto so much and such parts thereof as they are advised it is material or necessary for them to make answer—they answering, say:—

“That they admit, that before and on the 8th day of June, 1844, there existed, and, as these defendants say, there still exists, in the United States of America, a voluntary association, known as ‘The Methodist Episcopal Church;’ and, although not incorporated in one body by any legal enactment, yet the same was, and is, a duly organized evangelical Church. And these defendants further say, that although ‘The Methodist Episcopal Church’ is not a body politic and corporate at common law; yet, under the law of pious and charitable uses, as protected and enforced in courts of equity, it has an organization, and performs functions, and exercises and discharges powers and duties, analagous to institutions strictly and legally incorporated; and that the said Church is, in courts of equity, fully protected in the use and enjoyment of such functions, powers, and duties. And these defendants admit, that on the day above mentioned, the said Church was composed of the number of bishops stated by the plaintiffs; but these defendants say, that, according to their information and belief, the plaintiffs have not accurately stated the number of travelling preachers, ministers, or members belonging to the Church at that time: And the defendants further admit, that the said Church was united and holden together in one organized body, by certain doctrines of faith and morals, and by certain rules of government and discipline.

“These defendants further answering, say, that, exercised within the restrictions and constitutional powers contained in its Book of Discipline, the supreme government of the Methodist Episcopal Church, comprising the authority to make rules and regulations for the Church, limited by such restrictions and constitutional powers, was, and is, vested in a delegated body called the General Conference; and that there are within the system and polity of the Church, annual conferences, which, in some, but not in all respects, are bodies subordinate to the General Conference; also quarterly conferences, bishops, presiding elders, and travelling ministers, in whom, and in which conferences, respectively, are vested the powers and authority specified in the Book of Discipline; and, beyond the powers of government thus alluded to, these defendants deny the allegation of the plaintiffs' bill, that the general government of the said Church was or is vested as therein stated.

“And these defendants admit, that the plaintiffs have partially stated the great object of the said Methodist Episcopal Church; nevertheless, the defendants, more fully to set forth the design of the said Church, say, that it comprehends the exercise of its ecclesiastical government and discipline, involving the itinerancy of its bishops and ministers; the promulgation of the doctrines of the Gospel among all men; the due administration of Scriptural ordinances and the holy sacraments; the promotion of works of piety and benevolence; the revival and spread of Scriptural holiness, and the conversion of the world to the faith and practice of Christianity.

“And these defendants admit, that the constitution, organization, form of government, and rules of discipline, as well as the articles of religion and doctrines of faith, of the Methodist Episcopal Church, were, and are, of general knowledge and notoriety; and are contained in a printed volume, entitled, ‘The Doctrines and Discipline of the Methodist Episcopal Church.’ Yet these defendants say, that such printed volume—in this answer designated the ‘Book of Discipline’—has been, according to the forms, and in the manner therein prescribed, and at various times since the organization of the said Church, altered, amended, and revised, in sundry particulars, a full and particular relation of which would be too extended to be here set forth; but, for an accurate account thereof, these defendants crave leave to produce, and refer to, a printed book, entitled ‘Emory's History of the Discipline;’ also the several editions of the said Book of Discipline, published by the agents for the Methodist Book Concern, in the city of New-York.

“And these defendants, in respect of the ‘differences and disagreements’ alleged by the plaintiffs to have ‘sprung up in the Church between what were called the Northern and Southern members, upon the administration of the Church government with reference to the ownership of slaves by the ministry of the Church,’—answer and say, that, according to the best of their knowledge, information, and belief, no such differences or disagreements had sprung up in the Church between the Northern

and Southern members, prior to the session of the General Conference held in the city of New-York, in 1844, attended with or seriously threatening the consequences alleged by the plaintiffs.

“And these defendants, according to their best knowledge, information, and belief, also deny that it ever, prior to that session of the General Conference, became, or was, a question of grave or serious importance with the members of the Church, or with any, except a few of them, whether a separation ought not to take place by geographical boundaries, or otherwise, so as that the Methodist Episcopal Church should thereafter constitute two separate and distinct Methodist Episcopal Churches; or, that it was ‘thereupon,’ as erroneously alleged by the plaintiffs, that the resolutions which they denominate the ‘Plan of Separation,’ and which are set forth in their bill, were passed at the General Conference of 1844, held in the city of New-York; and these defendants say, that then, and always hitherto, the greater portion of the Church have not thought there was any sufficient cause for a separation or division of the Church.

“And these defendants, further answering with respect to such differences and disagreements, say, that during, and subsequent to, the session of the General Conference of 1844, those differences and disagreements principally grew out of the voluntary connexion of a bishop with slavery, and out of the proceedings of that body in reference thereto, hereafter referred to; that the rules of the Book of Discipline, and the uniform action of the General Conference, have always been adverse to the system of human slavery, it being regarded as a great evil; and, prior to the session of the General Conference in 1844, the whole Church, by common consent, united in proper effort for the mitigation and final removal of the evil; that the ministers have never been allowed to hold slaves, except in instances under the laws of the slave-holding States deemed to be cases of necessity; that the Church never made, nor has its Book of Discipline ever contained, any law respecting the holding of slaves by a bishop of the Church; that the General Conference have always refused to elect a slave-holder to that office; that, at the session of the General Conference in 1844, held in the city of New-York, it became known that the Rev. James O. Andrew, one of the bishops of the Methodist Episcopal Church, had, since his election to that office, become an owner of slaves,—of one, by bequest; of another, by inheritance; and of others, by his intermarriage with a lady in the State of Georgia who held a number of slaves in her own right, which, by the laws of the State, became the property of her husband; that, as will appear by its printed Journal, (pp. 65-83,) such proceedings were had by that General Conference, upon the admitted facts contained in a statement in writing made by Bishop Andrew, and which was in due form brought before the Conference by one of its standing committees called the “Committee on the Episcopacy,” whose duty it was to inquire into the conduct and administration of the bishops, and to make report to the Conference,—as that the following preamble and resolution were duly and legally adopted by that Conference, to wit:—

“Whereas the Discipline of our Church forbids the doing anything calculated to destroy our itinerant general superintendency; and whereas Bishop Andrew has become connected with slavery by marriage and otherwise; and this act having drawn after it circumstances which, in the estimation of the General Conference, will greatly embarrass the exercise of his office as an itinerant general superintendent, if not in some places entirely prevent it; therefore,

“Resolved, That it is the sense of this General Conference that he desist from the exercise of his office so long as this impediment remains.”

“And these defendants, upon their information and belief, further say, that the adoption of this resolution gave offence to a minority of the members of that General Conference, and who were delegates from annual conferences in the slave-holding States; and principally, if not wholly, induced those delegates to present a formal Protest against such action of the General Conference, which was admitted to record on its Journal, and, with the report in reference thereto of the committee appointed by the General Conference for that purpose, is appended to such Journal, (pp. 186-210,) to all which these defendants desire leave to refer; and which also induced such delegations from the annual conferences in the slave-holding States to present to said General Conference the declaration already referred to, which was read, and referred to a committee of nine, whose report thereon is the so-called ‘Plan of Separation,’ herein mentioned; which declaration is recorded on page 109 of the printed

Journal of the General Conference, and to which also the defendants crave leave to refer; and which resolution, in the case of Bishop Andrew, further induced such delegates, (although without the authority of the General Conference, and in no manner sanctioned by any action of that body,) immediately after the adjournment of such General Conference of 1844,—before the happening of the contingencies mentioned in the so-called ‘Plan of Separation,’ necessary to give the same effect, and before such delegates had departed from the city of New-York,—to address a circular to their constituents and the ministers and members of the Church in the slaveholding States, therein expressing their own opinion in favour of a separation from the jurisdiction of the General Conference, and advising the annual conferences within those States to elect from their own bodies, severally, delegates to a convention proposed by them to be held at Louisville, Kentucky, in May following, to consider and determine the matter; all which, finally led those annual conferences, or portions of them, at that convention,—to withdraw and separate from the Methodist Episcopal Church;—to renounce and declare themselves wholly absolved from its jurisdiction, government, and authority, and to institute a new and distinct ecclesiastical organization, separate from, and independent of, the General Conference of the Methodist Episcopal Church, under the denomination of ‘The Methodist Episcopal Church, South,’—which is the same organization mentioned in said Bill of Complaint; and the plaintiffs, and all those whom they, professedly, represent, are adherents thereof, and are no longer attached to the Methodist Episcopal Church; and these defendants believe and submit, that these proceedings were, in no part, authorized by the rules of government, or the constitutional law of the Methodist Episcopal Church, as contained in its Book of Discipline, but were in palpable hostility thereto.

“These defendants, further answering, insist and submit, that the said resolution of the General Conference in the case of Bishop Andrew, instead of moving to a secession, called for due submission and respect from all the delegates to that conference, and all the ministers and members of the Church; and the defendants, upon their belief, say, that the same, and all the proceedings of that body leading thereto, were regular, constitutional and valid; that the voluntary connexion of Bishop Andrew with slavery was justly considered by a majority of said General Conference, and by most of the ministers and members of the Church, as ‘improper conduct;’ and that every bishop is, by a law of the Book of Discipline, amenable to the General Conference, who are thereby declared to ‘have power to expel him for improper conduct, if they see it necessary;’ and that such resolution and proceedings, in the case of Bishop Andrew, were in due accordance with the good government of the Church.

“And these defendants, further answering, admit, that the resolutions set forth by the plaintiffs, commencing at folio 7 of their bill, were, at a General Conference of the Church, holden, according to usage and discipline, at New-York, passed on the 8th day of June, 1844, by a majority of over three-fourths of the entire body; although, as these defendants state, such resolutions were, in respect of their operation or effect, provisional and contingent,—were occasioned by, and based upon, the said declaration of the Southern delegates, and were intended only to meet the future emergency predicted therein, should the same arise; and that such resolutions were connected with, and preceded by, the statement and preamble embodied in the report of the said committee of nine, appointed by the General Conference to consider and report on such declaration,—which report was adopted by the conference, as will appear by its printed journal, (pp. 130, 137,) and which statement and preamble are to be taken, in connexion with said resolutions, as a part of said report thus adopted, and to which the defendants crave leave to refer as a part of this answer. But these defendants are advised by counsel, that the said resolutions, embodied in such report of the committee of nine, called the ‘Plan of Separation,’ were not duly or legally passed; and that the General Conference of 1844 had no competent, nor any valid power or authority to pass or adopt the said resolutions called the ‘Plan of Separation,’ or any or either of them, except that portion thereof comprising the recommendation to the annual conferences to change the sixth restrictive rule: and these defendants are also advised by counsel, that the last-named resolutions, when adopted, were null and void, and without any binding force or validity, except in the matter of such recommendation merely; and these defendants therefore humbly submit these questions to this Honourable Court: and to

show the extent of the constitutional power of the said General Conference in this respect, these defendants state,—

“That from the ordination and election of the first bishops of the Church, in 1784, to the year 1808, the General Conference was composed of all the preachers in the connexion who had travelled four years from the time they were received by an annual conference; but in the General Conference of 1808, on the recommendation of a majority of the annual conferences severally acting in their primary capacities, it was proposed to do away with such general assembly of ministers, and to organize a delegated General Conference, to consist of a delegated number, to be elected by the several annual conferences, according to a fixed ratio of representation; which proposition was agreed to in said general convention of 1808, upon the condition of adopting certain articles to restrict the powers of the future delegated General Conferences; whereupon a constitution for the government of the General Conference, embracing six restrictive articles, was accordingly established, defining who shall compose the General Conference, and what are the regulations and powers belonging to it; and the whole body of preachers, then assembled in general convention, adopted, by such constitution, the present plan for a delegated General Conference; transferring to them the powers of the whole body of preachers, with the express exceptions and limitations specified in such restrictive articles; which constitution and restrictive articles the defendants pray may be taken as a part of this answer, as if here set forth; and for the contents of the same, and for the particulars of these facts and allegations, these defendants crave leave to produce and refer to the said constitution and restrictive articles, contained in the Book of Discipline for 1808, pp. 14, 15; also the subsequent editions of the ‘Discipline;’ also ‘Emory’s History of the Discipline,’ pp. 111–113; also Bangs’ History of the Methodist Episcopal Church,’ vol. ii, pp. 225–234 :—

“That such constitution and restrictive rules, thus adopted,—containing a general grant of all powers to make rules and regulations for the government of the Church, under the restraints and within the limitations therein embodied,—constituted the paramount law of the Church; and have always been so considered, as well by the delegated General Conferences, whose legislative action they were intended to regulate, as by the annual conferences, the bishops, ministers, and members of the Church, whose rights and privileges were secured thereby; nor have the delegated General Conference ever had, or claimed, any power to alter or amend these restrictive articles except in the manner therein prescribed, in conjunction with the constitutional majority and action of the annual conferences; nor have any alterations thereof ever been made, except in conformity with the provisions contained therein for such alterations; and never without such constitutional majority and assent of the several annual conferences, voting thereon in their primary capacities :—

“That this constitution, embodying these restrictive articles, is still—and during the session of the General Conference of 1844, and at the time of the passage of the resolutions called the ‘Plan of Separation,’ was—the fundamental law of the Church, as will be seen on reference to the Book of Discipline, pp. 21–23, edition of 1844; that the General Conference is the representative body above mentioned with powers limited as aforesaid, to make rules and regulations for the government of the Church. And these defendants, as they are further advised by counsel, believe and submit, that these restrictive articles limit and restrain the exercise of the powers of the General Conference to the enactment of rules and regulations for the Church, to carry on throughout the whole work, the economy and purposes of its government, as already settled; prohibiting any change or alteration in any part or rule of such government, so as to do away episcopacy, or destroy the plan of the itinerant general superintendency of the Church; that they prohibit the exercise of any power by the General Conference to do away the privileges of the ministers, preachers, or members, of trial by a committee, or before the society, and of an appeal; and also prohibit the General Conference, without the consent of three-fourths of the whole body of ministers, to be expressed in their several annual conferences, from appropriating the produce of the Book Concern, or Chartered Fund, to any purpose other than for the benefit of the preachers belonging to the travelling connexion of the Church, their wives, widows, and children. And the defendants, therefore, further submit to this Honourable Court, whether the said resolutions, denominated the ‘Plan of Separation,’ are not, in each and every of these particulars, inconsistent with, and subversive of, said constitutional law of the

Church, and in contravention of the limitations contained in the aforesaid restrictive articles.

“And these defendants, further answering, submit, as further advised by counsel, that even had the so-called ‘Plan of Separation’ been constitutional, or valid, it merely provided a prospective plan, which, without the happening of certain future conditions, or on the failure of which conditions, or either of them, could never have, by its express terms, and, as defendants say, was never intended to have, any force or validity. And these defendants expressly aver that these conditions have not happened; and they therefore further insist and submit, that the said so-called ‘Plan of Separation’ has always been inoperative; has never had any force or validity; and is absolutely null and void.

“And these defendants, further answering, say, that the so-called ‘Plan of Separation,’ whether constitutional or not, was never ratified by the annual conferences therein named; and therefore gave the Southern annual conferences no authority to act in the premises; and hence, as the defendants submit and insist, the Southern annual conferences have, in all respects, as to the Church, South, acted on their own responsibility, without any authority from the General Conference of 1844.

“And these defendants, further answering, say, that they admit the resolutions set forth by the plaintiffs, commencing at folio 20 of their bill, were adopted at a convention of delegates from annual conferences in the slave-holding States, assembled at Louisville, in Kentucky, on the first day of May, 1845; but these defendants deny, that the delegates composing that convention were elected on the basis, or according to the authority, of said provisional ‘Plan of Separation,’ so called, or of any resolutions of the General Conference of 1844; and especially do these defendants deny, that said Louisville Convention, in adopting their said resolutions, or in any proceedings had therein, acted under the provisional ‘Plan of Separation,’ adopted by that General Conference, as is stated in one of such resolutions; but, on the contrary thereof, these defendants say, that said provisional plan did not confer any authority upon that convention to adopt their said resolutions—to organize the new ecclesiastical connexion therein mentioned—or to dismember the Methodist Episcopal Church; and, further, that the said convention was not convened by, or in pursuance of, any constitutional authority of that Church, or of its General Conference; and also, that the proceedings leading to, and the transactions of, the said Louisville Convention, and which resulted in the organization of the Methodist Episcopal Church, South, were occasioned and had, by such of the ministers and members of the annual conferences in the slave-holding States, as have attached themselves to the said Church, South, upon their own responsibility, and by their own unauthorized acts, whilst they repudiate the authority of the General Conference of the Methodist Episcopal Church—they refusing, and declaring their refusal, to submit to such authority; and that by revolutionary measures, tending to the dismemberment of the Methodist Episcopal Church, and by insubordinate proceedings, unwarranted by said ‘Plan of Separation,’ so called, or by any authority of the Methodist Episcopal Church, they did institute the said ‘Methodist Episcopal Church, South,’ as an independent ecclesiastical organization, separate from the jurisdiction of the General Conference of the Methodist Episcopal Church; and did solemnly declare such jurisdiction over them entirely dissolved. And, for some of the particulars of these facts and allegations, these defendants ask leave to refer to the aforesaid declaration, presented on the 5th June, 1844, to the General Conference of the Methodist Episcopal Church, at its session in New-York, signed by fifty-one of the delegates in that conference from slave-holding States, and who are now attached to said Church, South; which Declaration is recorded in the Journal of said General Conference, page 109; also to the ‘Protest in the case of Bishop Andrew,’ hereinbefore referred to, presented to said General Conference on the 6th day of said June, signed by such delegates and others, now attached to said Church, South; also to the address to their constituents, the resolutions and proceedings of such delegates at their meeting in the city of New-York, on the 11th June, 1844; also to the correspondence between Bishop Soule and Bishop Andrew, involving the request of the former to the latter, that he should resume his episcopal functions, and his acceptance of that request, notwithstanding the aforesaid resolution of the General Conference of 1844, in his case; also to the proceedings of said Louisville Convention; and also to the proceedings of the body assuming to be a General Conference composed of delegates from annual conferences attached to said Church, South, held at Petersburg, Va., in May, 1846.

Wherefore, these defendants insist and submit, that the 'Methodist Episcopal Church, South,' exists as a separate ecclesiastical communion, solely by the result, and in virtue, of the acts and doings of the individual bishops, ministers, and members attached to such Church, South, proceeding in the premises upon their own responsibility; and that such bishops, ministers, and members, have voluntarily withdrawn themselves from the Methodist Episcopal Church, and have renounced all their rights and privileges in her communion and under her government. And these defendants deny that the annual conferences represented in said Louisville Convention, were, as is erroneously stated in the first of the resolutions of the convention set forth by the plaintiffs, constituted a separate ecclesiastical connexion under the provisional 'Plan of Separation,' so called, aforesaid.

"And these defendants, further answering, admit, that at the time and place in that behalf mentioned by the plaintiffs, a council of bishops of the Methodist Episcopal Church, called by the plaintiffs 'Northern Bishops,' met and unanimously adopted the resolutions commencing at folio 24 of the said bill; but these defendants say, that the same were, as well by the express terms thereof, as by the extent of any authority possessed by such council, or bishops, limited in their application and effect to the administration of the said bishops; which administration was, at that time, interrupted, resisted and prevented, in the slave-holding States, by such portion of the revolutionary measures above alluded to as had then occurred, and by kindred measures of some of the present adherents of said Church, South. Moreover, these defendants further state, that said bishops were amenable to the General Conference, who have power to inquire into their administration, and expel them for "improper conduct," if they see it necessary; that the said provisional Plan was an act of the General Conference, to whom said bishops were amenable; and that the General Conference had not then declared the said provisional Plan null and void. But these defendants, with respect to those resolutions of the bishops, submit, that they can have no influence or effect whatever upon the question of the alleged division of the Church; nor can any effect or virtue be attached to their acts or resolutions, tending to divide or dismember the Church, or to warrant, in any sense, the allegation of the plaintiffs, that by, or in virtue of, such resolutions,—in conjunction with such other proceedings as are alleged by the plaintiffs, or otherwise,—the Methodist Episcopal Church ever became divided into two distinct Methodist Episcopal Churches.

And these defendants, further answering, deny, that, by or in virtue of the proceedings alleged in the said Bill of Complaint, or of any part thereof, or otherwise howsoever, 'the Methodist Episcopal Church' in the United States, as it had existed before the year 1844, or as it at any time existed, was lawfully divided into two distinct Methodist Episcopal Churches, in the manner alleged in said bill, or in any other manner whatever. And these defendants submit, that the separation and voluntary withdrawal from the Church of a portion of her bishops, ministers, and members, as herein mentioned, was an unauthorized separation from the Church.

"And these defendants, further answering, say, that the so-called 'Plan of Separation' was wholly prospective and contingent in its provisions; and that the General Conference of 1844 adopted the said provisional Plan in view of, and based the same entirely upon, the declaration of the delegates from the annual conferences in the slave-holding States heretofore mentioned, which alleged that certain acts of the General Conference therein referred to, especially the act in the case of Bishop Andrew, must produce a state of things in the South which would render a continuance of the jurisdiction of that General Conference over those conferences, inconsistent with the success of the ministry in the slave-holding States; and, therefore, the General Conference, by the said Plan, made provision for the adjustment of relations between the Methodist Episcopal Church and her separating ministers and members, to meet the emergency which might arise in the event of the contingency thus predicted in such declaration, when a separation should occur by the act and deed of the annual conferences in the slave-holding States, from the necessity of the case. And these defendants are informed and believe, and therefore state, that, independent of the aforesaid proceedings of the Southern delegates, which contributed to such separation, the acts of the General Conference alone, and which are thus complained of, did not produce a state of things in the South which rendered a continuance of the jurisdiction aforesaid 'inconsistent with the success of the ministry in the slave-holding States;' nor was the separation of the ministers and members now composing the Southern Church, occasioned solely because the annual

conferences in the slave-holding States found it necessary to unite in a distinct ecclesiastical connexion ; but the way for such separation was prepared, and the same was superinduced and consummated, by the revolutionary measures hereinbefore referred to, and which were begun at the seat, and nearly at the time, of the session of the said General Conference, before the predicted state of things in the South was, or possibly could be, produced by any acts of the General Conference.

"Also, that the General Conference, by said provisional Plan, proposed, in the event of the happening of the contingencies therein mentioned, regulations to be mutually observed by the Methodist Episcopal Church, on the one part, and the prospective new Church and the ministers and members thereof, on the other part, with respect to the 'Northern boundary' of such new Church, which required that such Northern boundary should be fixed at the Northern extremities of those societies, stations, and conferences,' a majority of whose members should, of their own free will and accord, vote to adhere to the said Southern Church ; the due observance of which regulations was, as these defendants insist and submit, a fundamental condition of said provisional plan. And these defendants, as they are informed and believe, state, that in this respect the said provisional Plan has been violated by the said Church, South, and by the said separating bishops, ministers, and members now attached thereto, more particularly in the instances following :—The said bishops, Andrew and Soule, since said Southern organization, stationed preachers in Cincinnati, within the territory of the Ohio Annual Conference ; and in Northampton county, Virginia, within the district of the Philadelphia Annual Conference ; both which annual conferences have always remained attached to the Methodist Episcopal Church ; and the aforesaid body, acting as the General Conference of the Church, South, sanctioned these doings of said bishops, and also authorized the Virginia Annual Conference, which is claimed as a member of the Church, South, to send ministers into the territory of the Baltimore Annual Conference, which is still attached to the Methodist Episcopal Church. And the said Methodist Episcopal Church, South, and the bishops, ministers, and members attached thereto, as thus stated, have violated and disregarded said so-called Plan.

"Also, that the General Conference of the Methodist Episcopal Church, at its session held at Pittsburgh, Pa., in May, 1848,—having, as these defendants submit, and as they, according to their judgment and belief, state, full power and rightful authority so to do,—did find and declare, that the fundamental conditions of said proposed Plan, so-called, had severally failed ; that the failure of either of them, separately, was sufficient to render said so-called Plan null and void ; and that the practical workings of said so-called Plan were incompatible with the great constitutional provisions contained in said Book of Discipline ; and they, the said General Conference, did also find and declare, the whole and every part of said provisional Plan, so-called, to be null and void. And for the particulars hereof, these defendants desire leave to refer to the proceedings of, and reports adopted by, said General Conference of 1848 ; especially to its printed journal, pp. 73–85, 129, 130, and the Final Report of the Committee on the State of the Church, adopted by said Conference, and appended to its journal, pp. 154–164.

"Also, that the so-called 'Plan of Separation,' in no event authorized a division, or reorganization of the Methodist Episcopal Church into two separate Churches ; but provided regulations to be observed, on the happening of the contingencies named in the so-called Plan, should the Southern annual conferences, on their own responsibility, withdraw from the Methodist Episcopal Church, and unite in a distinct confederation.

"Wherefore, these defendants further insist and submit, that—instead of the division of the Methodist Episcopal Church into two distinct Churches, under and in pursuance of said so-called Plan of Separation, as is alleged by the plaintiffs—all those bishops, ministers, and members, who have attached themselves, by their own act and deed, to the Methodist Episcopal Church, South, including the plaintiffs, and all those represented in or by them in said Bill of Complaint, have voluntarily withdrawn from the Methodist Episcopal Church, and separated themselves from its privileges and government ; and have thereby renounced and forfeited all right and claim, at law or in equity, to any portion of the funds and property in question in this cause.

"And these defendants, further answering, deny that, by force of the proceedings alleged by the plaintiffs, or otherwise, the Methodist Episcopal Church, South,

became, was, or is entitled, at law or in equity, to any proportion of all, or any of, the property, real or personal, or of all or any of the funds or effects, which, up to the time of the separation, or any other time, belonged to the Methodist Episcopal Church, in the United States, or elsewhere; and especially do these defendants deny, that the Methodist Episcopal Church, South, was, or is so entitled to any produce of the Book Concern or Chartered Fund, or any property or funds pertaining thereto, without any change or alteration of the sixth restrictive article above mentioned; or that, as erroneously alleged by the plaintiffs, a majority of three-fourths of all the members of the several annual conferences which voted directly on the question in view of a division of the property, has been obtained, in favour of any alteration of that article.

"And these defendants, with respect to the allegation of the plaintiffs, that said property and funds of the Methodist Episcopal Church had been obtained and collected by voluntary contribution, in which contribution the members of the Church, South, contributed the largest portion of the same,' deny, that, so far as the allegation has reference to the property and funds of the Book Concern, in the city of New-York, and its appendages, the same, or the greater portion thereof, have been obtained by voluntary contributions; and the defendants say, that the same were originally obtained as is hereinafter stated; but, in so far as the same were obtained by voluntary contributions, on the rebuilding of the Book Concern when damaged by fire, and in respect of any portion thereof contributed from the South, these defendants state, that all such contributions were made, intended, and given for the very object for which said Book Concern was then, and always had been, designed; that, on occasion of the contributions referred to, many others largely contributed, who have since left the Church; yet that any such separatists have never had, nor presumed to make, a claim for their quota of such contributions; nor, on that account, as these defendants submit, can they, or the plaintiffs, or those whom the plaintiffs represent, have or make any claim to recall the portion of donations they have severally made by such voluntary gifts and contributions.

"And these defendants, further answering, admit, that before and on the 8th day of June, 1844, with the qualification and exception hereinafter stated, relative to the Chartered Fund and the Book Concern in the city of New-York, the Methodist Episcopal Church owned and possessed large amounts of property in various parts of the United States; not, however, as the plaintiffs say, in addition to, but principally consisting of, meeting-houses, parsonages, and other estates of that description. But these defendants deny, that, among other or any descriptions or claims of property, there ever belonged to said Church, in the aggregate, or to its lay membership, what was and still is, denominated 'the Book Concern,' in the city of New-York; and these defendants say, that said Book Concern, with all houses, lots, machinery, printing-presses, book-bindery, books, paper, debts, cash, and other articles of property pertaining thereto, is now, and always has been, the property of the preachers belonging to the travelling connexion of the Methodist Episcopal Church, and their families; but if any of such preachers do not, during life, continue in such travelling connexion and in the communion, and subject to the government, of the Methodist Episcopal Church, they forfeit, for themselves and their families, all their ownership in, and all claim upon, said Book Concern, and the produce thereof. And further, that the property of the said Book Concern, consisting as aforesaid, amounts, in value, at the present time, to about the sum stated in the schedule hereto annexed, marked A, which schedule contains a general statement of all the assets and property pertaining to said Book Concern, and of the value thereof, on the first day of January, 1849, as accurately as the same could then, or can now be conveniently ascertained; and which schedule is hereby referred to, and made a part of this answer. And the defendants admit, that all said lands, property, and effects pertaining to said Book Concern, and enumerated in said schedule, are in the possession of the defendants, Lane and Scott, as agents for said Book Concern, who have been duly appointed as such agents by the General Conference of the Methodist Episcopal Church; and the defendants state, that such agents are enabled to hold said lands, and the buildings thereon and appurtenances, for the objects of said Book Concern and the purposes of such agency, by virtue of an act of the Legislature of the State of New-York, entitled, 'An Act relative to the Methodist Book Concern in the city of New-York,' passed April 21, 1837, which has ever since been, and still is, a valid law of the State of New-York, and of which the following is a copy, to wit:—

“ ‘An Act relative to the Methodist Book Concern, in the city of New-York, passed April 21, 1837.

“ ‘ § 1. It shall be lawful for Thomas Mason and George Lane, Agents for the Methodist Book Concern, appointed by the General Conference of the Methodist Episcopal Church, and their successors, as such agents, to take and hold real estate, in trust for the purposes of such agency, and to demise and convey the same ; but the value of such real estate so taken and held by them shall not exceed two hundred thousand dollars.

“ ‘ § 2. The real estate heretofore conveyed to Thomas Mason and George Lane, as agents as aforesaid, shall be considered as part of the real estate to be held by them, and their successors, as such agents, in trust as aforesaid.’—*Session Laws of New-York, of 1837 ; ch. 232, p. 220.*

“ And these defendants, further answering, state, that the said Book Concern was originally commenced and instituted by travelling ministers of the Methodist Episcopal Church, on their own capital, with the great design, in the first place, of circulating religious knowledge ; by whom it was surrendered to the ownership of all the travelling preachers in full connexion, and made subject to the control of all the travelling preachers in their general convention, then called the General Conference ; and it was agreed, from time to time, that the profits arising from the sale of the books should be applied to pious and charitable objects, but principally to the support of travelling ministers and their families, until, in the General Conference of 1796, it was determined that the said moneys should, in future, be applied wholly to the relief of travelling preachers, including such of them as were superannuated, and the widows and orphans of such as were deceased ; one of the decisions of which General Conference in that year was, ‘ the produce of the sale of our books, after the book debts are paid, and a sufficient capital is provided for carrying on the business, shall be regularly paid into the Chartered Fund ;’ and the object of said fund was for ‘ the relief of distressed travelling preachers, for the families of travelling preachers, and for the superannuated and worn-out preachers, and the widows and orphans of preachers.’ That, from that time to the General Conference of 1808, no other appropriation whatever was made of the proceeds of said Book Concern, but for the benefit of travelling preachers of the Methodist Episcopal Church, and their families ; and that until, and in, the General Conference of that year, as is hereinbefore stated, all the travelling preachers in full connexion, who had travelled four years, belonging to the Church, had a seat in, and were members of, the General Conference ; at which time, on the occasion of adopting the plan for a delegated General Conference, with constitutional powers limited by certain restrictions, as above detailed, the said General Conference of travelling preachers established a Constitution, as already stated, specifying who should compose, and defining the regulations and powers belonging to, such delegated General Conference, and therein and thereby providing that the General Conference should have full powers to make rules and regulations for the Church, under six specified limitations and restrictions, commonly called the Restrictive Articles, which are fully set out in the Book of Discipline—by means whereof, the said general convention of travelling preachers, as defendants submit they lawfully might do, committed the management of the said Book Concern to such delegated General Conference, as to agents, or trustees, under and subject to the limitation and restriction contained in the sixth of said restrictive articles, which the defendants crave leave to read and refer to as a part of this answer.

“ And the defendants pray that said constitution and restrictive articles, especially the above-recited sixth restrictive article, may be taken as a part of this answer ; and that they may have leave to read and refer to said constitution and restrictive articles, and to the proceedings of said general convention of travelling preachers, as a part also of this answer.

“ And these defendants, further answering, say, that the recommendation of the General Conference of 1844, contained in the aforesaid resolution embodied in the so-called ‘Plan of Separation,’ to all the annual conferences, to authorize a change of the sixth restrictive article, so that the first clause should read as in said resolution specified, has not been concurred in by the constitutional majority of the members of such annual conferences ; and that such recommendation has entirely failed : that such recommendation was duly laid before all the annual conferences ; and that they all voted thereon ; but, on canvassing the votes at the General Conference in

1848,—which body had full power to determine the number of votes by the annual conferences for altering such restrictive rule,—it was ascertained and declared, that the number of votes necessary to authorize such alteration had not been obtained ; nor have the annual conferences at any time since authorized such change of said article.

“ And these defendants, for the proceedings of said General Conference, and the particulars, in respect of such votes, crave leave to refer to the journal of that conference, page 56, and to the Report of the Committee on the State of the Church, being document L, recorded in the Journal of Reports of said General Conference.

“ Wherefore, these defendants, as touching the allegations and claims in the plaintiffs’ bill, with regard to the property denominated the ‘ Book-Concern,’ and ‘ Chartered Fund,’ and the moneys, effects, and credits pertaining thereto, insist and submit, that the Methodist Episcopal Church, South, is not entitled, at law or in equity, to have a division of such property made, as claimed by said bill ; nor is such Church, South, thus entitled to any share or portion thereof ; nor are any of the ministers, preachers, or members, attached to such Church, South, thus entitled to any portion of the same ; and that they—being no longer travelling preachers belonging to the Methodist Episcopal Church—could not be so entitled, without a constitutional change in the said sixth restrictive article, which would authorize such division.

“ And these defendants, further answering, deny, that at the time alleged by the plaintiffs, or at any other time, the agents of the Book Concern at New-York, in pursuance of the provisions or terms of said resolutions, called by the plaintiffs the ‘ Plan of Separation,’ paid to the several annual conferences of the Methodist Episcopal Church, South, their proportion of the profits and income of the Book Concern, as fixed and set apart by the said agents for the year 1845 ; and, in respect of such allegation, these defendants say, that the portion of profits and income, alluded to by the plaintiffs, which said book-agents paid to such annual conferences, had accrued and been apportioned to such Southern conferences previous to the organization of the Methodist Episcopal Church, South, whilst such conferences were connected with the Methodist Episcopal Church ; and that such payment was made without any reference whatever to the said so-called ‘ Plan of Separation.’ And the defendants admit, that, since the year 1845, the said agents have refused to pay to the annual conferences, South, who have separated from the Methodist Episcopal Church, as aforesaid, anything further from the profits or income of said Book Concern—as, these defendants submit, in justice and right, and according to their duty, said agents ought to have done. And these defendants deny, that such annual conferences, South, are legally entitled to any portion or share of such profits or income ; or that the withholding thereof from them, by said agents, is in violation of their rights.

“ And these defendants, further answering, admit, that the body assuming to act as the General Conference of the Methodist Episcopal Church, South, holden at Petersburg, Va., in May, 1846, proceeded to appoint the commissioners as stated in said bill, and for the purposes therein stated ; and the defendants also admit, that the body aforesaid adopted the resolutions commencing at folio 34 of the plaintiffs’ bill ; but these defendants submit and insist, that such resolutions are entirely nugatory in their effect upon the property and funds therein referred to, and the matters pertaining to the same.

“ And the defendants admit that said commissioners have made the applications to these defendants and James B. Finley, and the requests of them, in the said bill stated ; and that these defendants have refused to act in the premises ; and they say, they have thus refused for the reasons and on the grounds herein set forth.

“ The defendants also admit, that the plaintiffs have not been enabled to induce the said book-agents—nor the Methodist Episcopal Church—nor the commissioners named by the plaintiffs—to pay to the Church, South, any portion or share of said property and funds, except as aforesaid ; but the defendants deny, that said Church, South, is lawfully entitled to any proportionate or other share of said property or funds, as provided by said ‘ Plan of Separation,’ so-called, or otherwise.

“ And the defendants admit, that the plaintiffs are members of the Methodist Episcopal Church, South, and that they are preachers belonging to the travelling connexion of said Church, South ; but these defendants deny, that, as such, they, or any or either of them, have any personal interest in the real estate, personal property, debts or funds above-mentioned ; or in any property, debts or funds, if any, now holden by the Methodist Episcopal Church, through these defendants, or any

of them, as agents or trustees, appointed by the General Conference of the Methodist Episcopal Church, or otherwise.

"And these defendants, further answering, say, that they have not sufficient knowledge or information, either to admit or deny, whether the allegations in the plaintiffs' bill respecting the number of preachers belonging to the travelling connexion of the Methodist Episcopal Church, South, and the number in the membership of that Church,—are true or not; and the plaintiffs are, therefore, left to make such proof thereof as they may be able and advised to do; these defendants, however, according to their belief, say, that such numbers have been over-stated by the plaintiffs.

"And these defendants, further answering, deny, that the preachers belonging to the travelling connexion of the Methodist Episcopal Church, South, or any or either of them, have a direct and personal, or other legal or equitable interest, in the same right with the plaintiffs, or otherwise, in said property, situated and held as hereinbefore stated, or in any part or portion thereof, to any amount whatever. And the defendants utterly deny that the lay membership of the Church, South, whether in number as stated by the plaintiffs, or otherwise, are parties in interest in the subject-matter of the plaintiffs' bill, or have, or ever had, any pecuniary interest in the said funds or property.

"And these defendants, further answering, admit, that these defendants are members of the Methodist Episcopal Church, and are preachers belonging to the travelling connexion of that Church, and that each of them has a personal interest in the said property and funds; but these defendants state, that such interest is the same only as is held in common by all the preachers in the travelling connexion of the Methodist Episcopal Church, and depends upon the contingency of their remaining in that connexion. And these defendants admit that the defendants, Lane and Scott, have the custody and control by law, and by virtue of their appointment as agents of the Book Concern by the General Conference of the Methodist Episcopal Church, of all the said property and effects of the said Book Concern.

"And these defendants, further answering, say, that they have no certain knowledge thereof, but, according to their information and belief, they deny, that the plaintiffs have brought their said bill by the authority, and under the direction, of all the annual conferences and travelling preachers, or members, in said Church, South. And these defendants claim and insist upon the same benefit and advantage of this objection to the right of said plaintiffs to bring said bill, as if the same were interposed by plea, or demurrer, or in other proper manner.

"And these defendants, George Lane and Levi Scott, further answering, say, that the schedule hereto annexed, marked A, contains a full, particular and just account of all the real estate, personal estate, goods, debts, money and effects of every sort or kind, held by them, or either of them, as agent or agents, trustees, or members, of the Methodist Episcopal Church, so far as such account can, at the present time, be conveniently made up; and the same comprises all the assets and property pertaining to said Book Concern.

"And these defendants, Nathan Bangs and George Peck, admit, that, by the terms of the resolutions already referred to, they, together with James B. Finley, were appointed by the General Conference of the Methodist Episcopal Church, of 1844, held at New-York, commissioners, for the purposes stated in such resolutions, in the event aforesaid of their becoming operative; but say, that they have not received any other appointment or authority as commissioners, or otherwise, to act upon the part of said General Conference, or said Church, with any commissioners on the part of the South, in relation to any division, distribution, or settlement of the property herein referred to, or of any so-called 'Church property.' And these defendants, Bangs and Peck, further say, that inasmuch as the said resolutions, denominated the 'Plan of Separation,' have never had any validity, and have been declared null and void, in the manner hereinbefore stated—they admit they have refused to act, as such commissioners under those resolutions, in any settlement or division of any property.

"And the defendants submit that the plaintiffs are not entitled to the relief or decree prayed for in said Bill of Complaint, or to any other relief or decree against these defendants, touching the matters in said bill set forth.

"And these defendants, in answering, further say, that as they are advised by counsel and believe, and therefore submit, the claim of the Methodist Episcopal

Church, South, to a pro rata portion of the funds and property in question in this suit, is not clear, but on the contrary must be conceded to be at least doubtful in law, and that these defendants cannot safely pay or deliver over the same to them, or their agents lawfully constituted, without their first having their rights therein and thereto established, and without the sanction and authority of a court of law; and they therefore pray, that, in any event, they may be protected from all injury in the premises; that their rights and duties therein may be established, and all proper costs, counsel fees, commissions, and expenses of every kind, may be allowed to them under the decree of this Honourable Court.

MR. LORD,—A replication has been filed to this answer which it is not necessary to read.

Since these proceedings began, we have had to lament the death of Dr. Bascom, one of the parties to this suit. Dr. William A. Smith has been substituted in the place of Bishop Bascom. I have the consent of my friends on the other side, dated the 14th of May, and if your Honours please I move that an order be made, making this substitution as of to-day.

THE COURT,—Take your order.

MR. LORD,—If your Honours please, in introducing these proofs I may say that they are mostly, if not altogether, documents to be introduced by consent. We have on each side consented that the Book of Discipline of the Methodist Episcopal Church, printed in 1840, which was the book in force at the time of the Conference of 1844, shall be considered in evidence. And we have printed those extracts which, on reading the book, we considered to bear upon the case, and which your Honours will find in the Book of Proofs, No. 1. If the gentlemen on the other side think there is any other part that is material to the case, they can read it to the Court. We also, in regard to such historical facts as may bear on this controversy, have on each side agreed to refer to Emory's History of the Discipline of the Church; and further, we have marked our extracts and printed them.

MR. CHOLATE,—With the right reserved to both parties of looking beyond them, I suppose?

MR. LORD,—Yes, sir, with the same right reserved to both parties of looking beyond them. We also refer to the printed journals of the several General Conferences of the Church, for the years 1840 and 1844, which were Conferences common to the two Churches, and to the journals of the Conference of 1848; all of which we have agreed to admit in evidence. The Conference of 1848 of course bore a different relation, a very different relation, to the subject, we suppose, than those of 1840 and 1844. We also refer to the manuscript journals of the several General Conferences of the same Church, prior to 1840, which are accessible to both solicitors at the Methodist Book Concern, in the city of New-York, which shall be held and considered to be duly authenticated and verified by proof; and extracts from any part of them shall be admitted as evidence, and either party shall be at liberty to refer to and read them with the same effect as if the original had actually been produced in proof. In introducing this evidence to the Court, I shall not take the course of reading the book through, but I shall introduce each distinct portion as it bears upon the points of the case, as they are presented in our brief of the points of the argument. The first to which I shall refer are those in relation to the Book Concern. I shall refer your Honours to the pages, so that they may be marked as I proceed. I refer to page 30 of the Book of Proofs, No. 1, which are proofs common to both parties.

The Book of Proofs, No. 2, contains proceedings which we introduce in evidence to show the acts of the portion of the Church with which we are more especially connected. The stipulation in regard to the admission of that is in the preface to the book in these words :—

“ The plaintiffs in this cause, by their solicitor, propose and consent to the following documents and papers, and the matters therein stated, as further evidence in this action.

“ And the defendants, by their solicitor, consent that said documents and papers be read in evidence, to show the proceedings therein detailed of the various bodies and members thereof, and persons, as such proceedings are by those bodies, members, and persons, respectively for themselves reported.

“ But the defendants, except as above, do not admit any statements of alleged matters of fact or of opinion, or any of the arguments in said documents or papers contained.

“ The Discipline of the ‘ Methodist Episcopal Church, South,’ may be referred to as containing the doctrines, and rules of government and discipline of said organization.”

Turning to page 30 of Book of Proofs, No. 1, I read as follows. It is an extract from the Book of Discipline of 1840 :—

“ Of the Printing and Circulating of Books, and of the profits arising therefrom.

“ 1. The principal establishment of the Book Concern shall be in the city of New-York ; and there shall be such other establishments as the General Conference may deem expedient.”—P 198.

“ 23. The profits arising from the Book-Concern, after a sufficient capital to carry on the business is retained, shall be regularly applied to the support of the deficient travelling preachers and their families, the widows and orphans of preachers, &c. The general book-steward shall every year send forward to each annual conference an account of the dividend which the several annual conferences may draw that year ; and each conference may draw for its proportionate part on any person who has book-money in hands, and the drafts, with the receipt of the conference thereon, shall be sent to the general book-steward, and be placed to the credit of the person who paid the same.” Pp. 207, 208.

Now, if your Honours please, I turn to the history and origin of this Book Concern, as given in Dr. Emory’s History of the Discipline. His History I would explain is in the form of annals. He gives the history of the alterations in the Discipline at each successive General Conference, or other authorized act of the Church. I quote from page 17 of the Book of Proofs, No. 1.

“ Of the printing and circulating of Books, and of the Profits arising therefrom.

“ 1800. The form of questions and answers laid aside, and the whole section remodelled as follows :—

“ 1. Ezekiel Cooper is appointed the superintendent of the Book Concern, who shall have authority to regulate the publications, and all other parts of the business, according to the state of the finances from time to time. It shall be his duty to inform the annual conferences if any of the preachers or private members of the society neglect to make due payment. He may publish any books or tracts which, at any time, may be approved of or recommended by the majority of an annual conference, provided such books or tracts be also approved of by the book committee, which shall be appointed by the Philadelphia Annual Conference. He may reprint any book or tract which has once been approved and published by us, when, in his judgment, the same ought to be reprinted. Let his accounts and books be examined by the Philadelphia Conference at the time of the sitting of the said conference.

“ 2. It shall be the duty of every presiding elder, where no book-steward is ap-

pointed, to see that his district be fully supplied with books. He is to order such books as are wanted, and to give direction to whose care the same are to be sent; and he is to take the oversight of all our books sent into his district, and to account with the superintendent for the same. He is to have the books distributed among the several circuits in his district, and is to keep an account with each preacher who receives or sells the books; and is to receive the money, and to forward it to the superintendent. When a presiding elder is removed, he is to make a full settlement for all the books sold or remaining in his district; and is also to make a transfer to his successor of all the books and accounts left with the preachers in the district, the amount of which shall go to his credit, and pass to the debit of his successor.

“3. It shall be the duty of every preacher, who has the charge of a circuit, to see that his circuit be duly supplied with books, and to take charge of all the books which are sent to him, from time to time, or which may be in his circuit; and he is to account with the presiding elder for the same. When a preacher leaves his circuit, he must settle with the presiding elder for all the books he has disposed of; he is also to make out an inventory of all that are remaining unsold, which shall be collected at one place; the amount of which shall go to his credit, and be transferred to his successor, who is to take charge of the same. If the preacher who has the charge of the circuit be negligent in dispersing the books, the presiding elder shall commit the charge of the books to another.

“4. The superintendent of the book business may, from time to time, supply the preachers with books in those circuits which are adjacent or convenient to Philadelphia, and settle with them for the same: in such cases the regulations respecting the presiding elders are not to apply.

“5. In all cases where books are sent to distant places, the presiding elders or preachers shall be allowed to put a small additional price on such books as will best bear it, in order to pay the expense of freight or carriage; but the addition must not be more than what is necessary to defray such expenses.

“6. Every annual conference shall appoint a committee or committees to examine the accounts of the presiding elders, preachers, and book-stewards, in their respective districts or circuits. Every presiding elder, minister, and preacher, shall do everything in their power to recover all debts due to the Concern, and also all the books belonging to the Concern, which may remain in the hands of any person within their districts or circuits. If any preacher or member be indebted to the Book Concern, and refuse to make payment, or to come to a just settlement, let him be dealt with for a breach of trust, and such effectual measures be adopted for the recovery of such debts as shall be agreeable to the direction of the annual conferences respectively.

“7. There shall be no drafts made upon the Book Concern till its debts are discharged, and a sufficient capital provided for carrying on the business; after which, the profits arising from the books shall be regularly paid to the chartered fund, and be applied, with the annual income of the funded stock, to the support of the distressed travelling preachers and their families, the widows and orphans of preachers, &c.

“8. It shall be the duty of the preacher or preachers who travel with any of the bishops, if he or they be authorized by the superintendent of the Book Concern, to act as an agent in the settlement of accounts, collecting money, or in transacting any business belonging to the Book Concern.”—Pp. 258-260.

In 1804, while the conference consisted of all the preachers, it was altered to read in this way,—pp. 19, 20. Book of proofs, No. 1.

“1804.—7. The profits arising from the Book Concern, after a sufficient capital to carry on the business is retained, shall be regularly applied to the support of the distressed travelling preachers and their families, the widows and orphans of preachers, &c. The general book-steward, shall every year send forward to each annual conference an account of the dividend which the several annual conferences may draw that year: and each conference may draw for their proportionate part, on any person who has book money in hand, and the drafts, with the receipt of the conference thereon, shall be sent to the general book-steward, and be placed to the credit of the person who paid the same. But each annual conference is authorized, at all events, to draw on the general book-steward for one hundred dollars.”—Pp. 261, 262.

Your Honours will observe the change to be, that the profits were not to be paid into the Chartered Fund, but to be distributed by the agencies of the annual conferences; and it thus remained, in substance, until the rule was adopted as it now stands in the Discipline of 1840.

The next subject, extracts in relation to which I will read, is the Conferences, Annual and General; but in that connexion I will read extracts from the Book of Discipline of 1840, beginning on page 25 of the first of the proofs, on the subject of the Holy Scriptures, the Church, and its rites and ceremonies; for they bear upon this part of the case. The articles of religion are printed at large, and what I shall read are but extracts.

“ARTICLES OF RELIGION.

“V *The Sufficiency of the Holy Scriptures for Salvation.*

“The Holy Scriptures contain all things necessary to salvation: so that whatsoever is not read therein, nor may be proved thereby, is not to be required of any man, that it should be believed as an article of faith, or be thought requisite or necessary to salvation.”—P. 10.

“XIII. *Of the Church.*

“The visible Church of Christ is a congregation of faithful men, in which the pure word of God is preached, and the sacraments duly administered according to Christ’s ordinance in all those things that of necessity are requisite to the same.”—P. 14.

“XXII. *Of the Rites and Ceremonies of Churches.*

“It is not necessary that rites and ceremonies should in all places be the same, or exactly alike: for they have been always different, and may be changed according to the diversity of countries, times, and men’s manners, so that nothing be ordained against God’s word. Whosoever, through his private judgment, willingly and purposely doth openly break the rites and ceremonies of the Church to which he belongs, which are not repugnant to the word of God, and are ordained and approved by common authority, ought to be rebuked openly, that others may fear to do the like, as one that offendeth against the common order of the Church, and woundeth the consciences of weak brethren.

“Every particular Church may ordain, change, or abolish rites and ceremonies, so that all things may be done to edification.”—Pp. 18, 19.

“XXIII. *Of the Rulers of the United States of America.*

“The president, the congress, the general assemblies, the governors, and the councils of state, *as the delegates of the people*, are the rulers of the United States of America, according to the division of power made to them by the Constitution of the United States, and by the Constitutions of their respective States. And the said States are a sovereign and independent nation, and ought not to be subject to any foreign jurisdiction.”*

“*Of the General Conference.*

“*Quest.* 2. Who shall compose the General Conference, and what are the regulations and powers belonging to it?

“*Ans.* 1. The General Conference shall be composed of one member for every twenty-one members of each annual conference, to be appointed either by seniority or choice, at the discretion of such annual conference: yet so that such representatives shall have travelled at least four full calendar years from the time that they were received on trial by an annual conference, and are in full connexion at the time of holding the conference.

“2. The General Conference shall meet on the first day of May, in the year of our Lord 1812, in the city of New-York, and thenceforward on the first day of May

“* As far as it respects civil affairs, we believe it the duty of Christians, and especially all Christian ministers, to be subject to the supreme authority of the country where they may reside, and to use all laudable means to enjoin obedience to the powers that be; and therefore it is expected that all our preachers and people, who may be under the British, or any other government, will behave themselves as peaceable and orderly subjects.”—P. 19.

once in four years perpetually, in such place or places as shall be fixed on by the General Conference from time to time : but the general superintendents, with or by the advice of all the annual conferences, or if there be no general superintendent, all the annual conferences respectively, shall have power to call a General Conference, if they judge it necessary at any time.

“3. At all times when the General Conference is met, it shall take two-thirds of the representatives of all the annual conferences to make a quorum for transacting business.

“4. One of the general superintendents shall preside in the General Conference : but in case no general superintendent be present, the General Conference shall choose a president pro tem.

“5. The General Conference shall have full powers to make rules and regulations for our Church, under the following limitations and restrictions, viz :—”

The six articles that I am going to read are known under the technical name of “Restrictive Articles.” I may here also observe, that the designation “General Superintendents,” in what I have read, is the name given to their bishops.

“1. The General Conference shall not revoke, alter, or change our articles of religion, nor establish any new standards or rules of doctrine contrary to our present existing and established standards of doctrine.

“2. They shall not allow of more than one representative for every fourteen members of the annual conference, nor allow of a less number than one for every thirty : provided, nevertheless, that when there shall be in any annual conference a fraction of two-thirds the number which shall be fixed for the ratio of representation, such annual conference shall be entitled to an additional delegate for such fraction ; and provided, also, that no conference shall be denied the privilege of two delegates.

“3. They shall not change or alter any part or rule of our government, so as to do away episcopacy, or destroy the plan of our itinerant general superintendency.

“4. They shall not revoke or change the general rules of the United Societies.

“5. They shall not do away the privileges of our ministers or preachers of trial by a committee, and of an appeal ; neither shall they do away the privileges of our members of trial before the society, or by a committee, and of an appeal.

“6. They shall not appropriate the produce of the Book-Concern, nor of the Charter Fund, to any purpose other than for the benefit of the travelling, supernumerary, superannuated and worn-out preachers, their wives, widows, and children. Provided, nevertheless, that upon the concurrent recommendation of three-fourths of all the members of the several annual conferences, who shall be present and vote on such recommendation, then a majority of two-thirds of the General Conference succeeding shall suffice to alter any of the above restrictions, excepting the first article : and also, whenever such alteration or alterations shall have been first recommended by two-thirds of the General Conference, so soon as three-fourths of the members of all the annual conferences shall have concurred as aforesaid, such alteration or alterations shall take effect.”—Pp. 21-21

“Of the Annual Conferences.”

“*Quest.* 3. Who shall attend the yearly conferences ?

“*Ans.* All the travelling preachers who are in full connexion, and those who are to be received into full connexion.”—P. 21.

“Of the Allowance to the Ministers and Preachers, and to their Wives, Widows, and Children.”

“1. The annual allowance of the married travelling, supernumerary, and superannuated preachers, and the bishops, shall be two hundred dollars, and their travelling expenses.

“2. The annual allowance of the unmarried travelling, supernumerary, and superannuated preachers, and bishops, shall be one hundred dollars, and their travelling expenses.

“3. Each child of a travelling preacher or bishop shall be allowed sixteen dollars

annually, to the age of seven years, and twenty-four dollars annually from the age of seven to fourteen years; and those preachers whose wives are dead shall be allowed for each child annually a sum sufficient to pay the board of such child or children during the above term of years: *Nevertheless*, this rule shall not apply to the children of preachers whose families are provided for by other means in their circuits respectively.

"4. The annual allowance of the widows of travelling, superannuated, worn-out, and supernumerary preachers, and the bishops, shall be one hundred dollars.

"5. The orphans of travelling, supernumerary, superannuated, and worn-out preachers, and the bishops, shall be allowed by the annual conferences the same sums respectively which are allowed to the children of living preachers. And on the death of a preacher leaving a child or children without so much of worldly goods as should be necessary to his, her, or their support, the annual conference of which he was a member shall raise, in such a manner as may be deemed best, a yearly sum for the subsistence and education of such orphan child or children, until he, she, or they, shall have arrived at fourteen years of age. The amount of which yearly sum shall be fixed by a committee of the conference at each session in advance."—Pp. 181, 182.

Now, if your Honours please, I propose to read historical documents, to show how this power of the General Conferences has taken its shape from time to time; so that it may be seen what has been done, how it has arisen, and how it has grown up. I am about to read an extract from Emory's History of the Discipline. By "Discipline" is meant the book of that designation containing the articles of religion and everything relating to this Church.

"In our civil governments the statutes are scattered through the several volumes of laws, which have been published from time to time, and therefore these are all preserved. But, in the Methodist Episcopal Church, the Discipline, as revised at each General Conference, being in itself complete, supplants all that had gone before it, and the previous editions are cast aside, as of no further use. Thus it has continued, until now nearly sixty years have elapsed since the organization of the Church, and the Discipline has undergone about twenty distinct revisions"—P. 3.

For the present I pass over the questions which relate to slavery, as I propose to read all those parts which relate to that subject together, and distinct from other questions. I proceed, therefore, to page 3 of the first of the proofs:—

"The close of the year 1784 constituted a new and most important epoch in American Methodism. The independence of the United States having been confirmed by the peace of 1783, the authority of England over them, both civil and ecclesiastical, came to an end. The connexion with the Church of England being thus providentially *dissolved*, Mr. Wesley, who had always resisted a *separation* from it, took measures, on the application of the American societies, to organize them into a Church. In explanation of his views and wishes, he addressed to the brethren in America the following letter:—

"BRISTOL, SEPTEMBER 10, 1784.

"To Dr. Coke, Mr. Asbury, and our Brethren in North America:—

"1. By a very uncommon train of providences, many of the provinces of North America are totally disjoined from the British empire, and erected into independent States. The English government has no authority over them, either civil or ecclesiastical, any more than over the States of Holland. A civil authority is exercised over them, partly by the congress, partly by the state assemblies. But no one either exercises or claims any ecclesiastical authority at all. In this peculiar situation some thousands of the inhabitants of these States desire my advice; and in compliance with their desire I have drawn up a little sketch.

"2. Lord King's account of the primitive Church convinced me, many years ago, that bishops and presbyters are the same order, and, consequently, have the same right to ordain. For many years I have been importuned, from time to time, to ex-

exercise this right, by ordaining part of our travelling preachers; but I have still refused, not only for peace' sake, but because I was determined as little as possible to violate the established order of the national Church to which I belonged.

...3. But the case is widely different between England and North America. Here there are bishops who have a legal jurisdiction. In America there are none, and but few parish ministers; so that for some hundred miles together there is none either to baptize or to administer the Lord's Supper. Here, therefore, my scruples are at an end; and I conceive myself at full liberty, as I violate no order, and invade no man's right, by appointing and sending labourers into the harvest.

...4. I have, accordingly, appointed Dr. COKE, and Mr. FRANCIS ASBURY to be joint *superintendents* over our brethren in North America; as also RICHARD WHATCOAT and THOMAS VASEY to act as *elders* among them, by baptizing and administering the Lord's Supper.

...5. If any one will point out a more rational and Scriptural way of feeding and guiding those poor sheep in the wilderness, I will gladly embrace it. At present I cannot see any better method than that I have taken.

...6. It has indeed been proposed to desire the English bishops to ordain part of our preachers for America. But to this I object: (1.) I desired the bishop of London to ordain one only, but could not prevail. (2.) If they consented, we know the slowness of their proceedings; but the matter admits of no delay. (3.) If they would ordain them *now*, they would likewise expect to govern them. And how grievously would this entangle us! (4.) As our American brethren are now totally disentangled both from the state and from the English hierarchy, we dare not entangle them again either with the one or the other. They are now at full liberty simply to follow the Scriptures and the primitive Church. And we judge it best that they should stand fast in that liberty wherewith God has so strangely made them free.—Pp. 22-24. JOHN WESLEY.' ”

I continue to read on the 5th page of No 1, of the Proofs, and our object in reading this is to show that the Methodist Episcopal Church had its origin in a separation, which did not involve them in any differences of doctrine, or a secession from their English brethren.

“To carry into effect the proposed organization, a General Conference of preachers was called, to meet in Baltimore at Christmas, 1784. Sixty out of the eighty-three preachers, then in the travelling connexion, attended at the appointed time. ‘At this conference,’ say the Annual Minutes for 1785, ‘it was unanimously agreed that circumstances made it expedient for us to become a separate body, under the denomination of “The Methodist Episcopal Church.”’ And again they say, ‘We formed ourselves into an independent Church; and following the counsel of Mr. John Wesley, who recommended the episcopal mode of Church government, we thought it best to become an episcopal Church, making the episcopal office elective, and the elected superintendent or bishop amenable to the body of ministers and preachers.’ They adopted a Form of Discipline for the government of the Church. This was substantially the same with the Large Minutes, the principal alterations being only such as were necessary to adapt it to the state of things in America. As this was the first Discipline of the Methodist Episcopal Church, it is here republished entire, together with the portions of the Large Minutes which were left out or altered. Those parts of the Large Minutes which were left out of the Discipline of 1784, are here enclosed in brackets, and, when the passages are long, are printed in smaller type; while what was contained in the latter, and not in the former, is printed in italics. Where there has been merely a substitution of one passage for another, the language of the Large Minutes is given at the foot of the page. The figures in parentheses refer to the Large Minutes.

“*Minutes of several Conversations between the Rev. Thomas Coke, LL.D., the Rev. Francis Asbury, and others, at a Conference, begun in Baltimore, in the State of Maryland, on Monday, the 27th of December, in the year 1784 **

“*Ques. 2 What can be done in order to the future union of the Methodists?*

“*Ans. During the life of the Rev. Mr. Wesley, we acknowledge ourselves his sons*

* First Discipline of the Methodist Episcopal Church, as compared with Large Minutes.

in the gospel, ready, in matters belonging to Church government, to obey his commands. And we do engage, after his death, to do everything that we judge consistent with the cause of religion in America and the political interests of these States, to preserve and promote our union with the Methodists in Europe.

“*Quest. 3. As the ecclesiastical as well as civil affairs of these United States have passed through a very considerable change by the Revolution, what plan of Church government shall we hereafter pursue?*

“*Ans. We will form ourselves into an Episcopal Church, under the direction of superintendents, elders, deacons, and helpers, according to the forms of ordination annexed to our Liturgy, and the Form of Discipline set forth in these Minutes.*

“*Quest. 4. (3.) What may we reasonably believe to be God's design in raising up the preachers called Methodists?*

“*Ans. [Not to form any new sect; but] to reform the continent, [particularly the Church;] and to spread Scriptural holiness over these lands.'—Pp. 25–27.”*

For the reasons before given, I pass over the passages on pp. 7, 8, and 9, which relate to slavery, and come to p. 10.

“1787.—In 1787 the Discipline underwent an entire change in its form. It will have been perceived, that the first and second editions consisted of a series of questions and answers, arranged with very little method. The book was now divided into sections, with appropriate heads.—P. 81.

“*Of the Origin of the Methodist Episcopal Church.*

“1789.—*SEC. 3. On the Nature and Constitution of our Church.*

“‘We are thoroughly convinced that the Church of England, to which we have been united, is deficient in several of the most important parts of Christian discipline; and that (a few ministers and members excepted) it has lost the life and power of religion. We are not ignorant of the spirit and design it has ever discovered in Europe, of rising to pre-eminence and worldly dignities by virtue of a national establishment, and by the most servile devotion to the will of temporal governors: and we fear the same spirit will lead the same Church in these United States (though altered in its name) to similar designs and attempts, if the number and strength of its members will ever afford a probability of success; and particularly to obtain a national establishment, which we cordially abhor as the great bane of truth and holiness, and consequently a great impediment to the progress of vital Christianity.

“‘For these reasons we have thought it our duty to form ourselves into an independent Church. And as the most excellent mode of Church government, according to our maturest judgment, is that of a moderate episcopacy, and as we are persuaded that the uninterrupted succession of bishops from the apostles can be proved neither from Scripture nor antiquity, we therefore have constituted ourselves into an episcopal Church, under the direction of bishops, elders, deacons, and preachers, according to the forms of ordination annexed to our Prayer-book, and the regulations laid down in this form of Discipline.’

“‘*SEC. 4. On constituting of bishops, and their duty.*

“‘*Quest. 1. What is the proper origin of the episcopal authority in our Church?*

“‘*Ans. In the year 1784 the Rev. John Wesley, who, under God, has been the father of the great revival of religion now extending over the earth by the means of the Methodists, determined, at the intercession of multitudes of his spiritual children on this continent, to ordain ministers for America, and for this purpose sent over three regularly-ordained clergy; but preferring the episcopal mode of Church government to any other, he solemnly set apart, by the imposition of his hands and prayer, one of them, namely, Thomas Coke, doctor of civil law, late of Jesus College, in the University of Oxford, for the episcopal office; and having delivered to him letters of episcopal orders, commissioned and directed him to set apart Francis Asbury, then general assistant of the Methodist Society in America, for the same episcopal office, he, the said Francis Asbury, being first ordained deacon and elder. In consequence of which, the said Francis Asbury was solemnly set apart for the said episcopal office by prayer and the imposition of the hands of the said Thomas*

Coke, other regularly-ordained ministers assisting in the sacred ceremony. At which time the General Conference held at Baltimore did unanimously receive the said Thomas Coke and Francis Asbury as their bishops, being fully satisfied of the validity of their episcopal ordination.'—Pp. 93, 94.

Of the General and Annual Conferences.

“Of the General Conference

“Nothing appears on this subject, until 1792, when the first General Conference, after the organization of the Church, was held. We then find the following :—

“1792. ‘*Quest. 2.* Who shall compose the General Conference ?

“*Ans.* All the travelling preachers who shall be in full connexion at the time of holding the Conference.

“‘*Quest. 3.* When and where shall the next General Conference be held ?

“*Ans.* On the first day of November, in the year 1796, in the town of Baltimore.’

“1796. Question 3. struck out.

“1800. An additional qualification for membership was added, namely :—to ‘have travelled four years.’

“1804. It was provided that the ‘four years’ should date ‘from the time that they were received on trial by an annual conference.’

“1808. This was the last meeting of a General Conference, composed of all the preachers who had travelled four years. It was then resolved to have, in future, a delegated General Conference, and the following was adopted as its constitution, in lieu of the former :—

“‘*Quest. 2.* Who shall compose the General Conference, and what are the regulations and powers belonging to it ?

“*Ans. 1.* The General Conference shall be composed of one member for every five members of each annual conference, to be appointed either by seniority or choice, at the discretion of such annual conference ; yet so that such representatives shall shall have travelled at least four full calendar years from the time that they were received on trial by an annual conference, and are in full connexion at the time of holding the Conference.

“‘2. The General Conference shall meet on the first day of May, in the year of our Lord 1812, in the city of New-York, and thenceforward on the first day of May, once in four years perpetually, in such place or places as shall be fixed on by the General Conference from time to time, but the general superintendents, with or by the advice of all the annual conferences, or if there be no general superintendent, all the annual conferences respectively, shall have power to call a General Conference, if they judge it necessary, at any time.

“‘3. At all times when the General Conference is met, it shall take two-thirds of the representatives of all the annual conferences to make a quorum for transacting business.

“‘4. One of the general superintendents shall preside in the General Conference ; but in case no general superintendent be present, the General Conference shall choose a president pro tem.

“‘5. The General Conference shall have full powers to make rules and regulations for our Church, under the following limitations and restrictions, namely :—

“‘1. The General Conference shall not revoke, alter, or change our Articles of Religion, nor establish any new standards or rules of doctrine contrary to our present existing and established standards of doctrine.

“‘2. They shall not allow of more than one representative for every five members of the annual conference, nor allow of a less number than one for every seven.

“‘3. They shall not change or alter any part or rule of our government, so as to do away episcopacy, or destroy the plan of our itinerant general superintendency.

“‘4. They shall not revoke or change the general rules of the United Societies.

“‘5. They shall not do away the privileges of our ministers or preachers of trial by a committee, and of an appeal : neither shall they do away the privileges of our members of trial before the society, or by a committee, and of an appeal.

“‘6. They shall not appropriate the produce of the Book Concern, nor of the Chartered Fund, to any purpose other than for the benefit of the travelling, super-numerary, superannuated, and worn-out preachers, their wives, widows, and children.

“‘Provided, nevertheless, that upon the joint recommendation of all the annual

conferences, then a majority of two-thirds of the General Conference succeeding shall suffice to alter any of the above restrictions.'

"1816. The ratio of representation, in Ans. 1., was altered to one for every seven.

"1832. The former proviso, at the close of the restrictive rules, was struck out, and the following substituted :—' Provided, nevertheless, that upon the concurrent recommendation of three-fourths of all the members of the several annual conferences, who shall be present and vote on such recommendation, then a majority of two-thirds of the General Conference succeeding shall suffice to alter any of the above restrictions excepting the first article ; and also, whenever such alteration or alterations shall have been first recommended by two-thirds of the General Conference, so soon as three-fourths of the members of all the annual conferences shall have concurred as aforesaid, such alteration or alterations shall take effect.'

"1836. The ratio of representation was altered to one for every twenty-one ; and to allow this, the second of the restrictive rules was changed to the following :—

"'2. They shall not allow of more than one representative for every fourteen members of the annual conference, nor allow of a less number than one for every thirty : provided, nevertheless, that when there shall be in any annual conference a fraction of two-thirds the number which shall be fixed for the ratio of representation, such annual conference shall be entitled to an additional delegate for such fraction ; and provided, also, that no conference shall be denied the privilege of two delegates.' —Pp. 111-114.

"Bishops and their Duty.

"1792. ' *Quest. 3.* What is the bishop's duty ?

"' *Ans. 1.* To preside in our conferences.

"'2. To fix the appointments of the preachers for the several circuits.

"'3. In the intervals of the conferences to change, receive, or suspend preachers, as necessity may require.

"'4. To travel through the connexion at large.

"'5. To oversee the spiritual and temporal business of the societies.

"'6. To ordain bishops, elders, and deacons.

"' *Quest. 4.* To whom is the bishop amenable for his conduct ?

"' *Ans.* To the General Conference, who have power to expel him for improper conduct, if they see it necessary.

"' *Quest. 5.* What provision shall be made for the trial of an immoral bishop, in the interval of the General Conference ?

"' *Ans.* If a bishop be guilty of immorality, three travelling elders shall call upon him, and examine him on the subject : and if the three elders verily believe that the bishop is guilty of the crime, they shall call to their aid two presiding elders from two districts in the neighbourhood of that where the crime was committed, each of which presiding elders shall bring with him two elders, or an elder and a deacon. The above-mentioned nine persons shall form a conference, to examine into the charge brought against the bishop ; and if two-thirds of them verily believe him to be guilty of the crime laid to his charge, they shall have authority to suspend the bishop till the ensuing General Conference, and the districts shall be regulated in the mean time as is provided in the case of the death of a bishop.'—Pp. 121, 122.

"1804. To the second of the bishop's duties (Question 3) is added this clause : ' Provided he shall not allow any preacher to remain in the same station more than two years successively ; excepting the presiding elders, the editor and general book-steward, the assistant editor and general book-steward, the supernumerary, superannuated, and worn out preachers.' To the third is added, ' and as the Discipline directs.'

"In the answer to Question 5, the word ' guilty,' in the first line, is changed to ' accused,' and the following clause is added at the close :—' But no accusation shall be received against a bishop except it be delivered in writing, signed by those who are to prove the crime : and a copy of the accusation shall be given to the accused bishop.'—P. 122."

I will now read, if your Honours please, some extracts from the printed Journals and Documents of the General Conference in relation to the Canada Conference. It seems that the Canada Methodists separated from the Methodists of this country.

The action of the Methodist body on that subject we have thought to be material to notice. I will read, beginning on page 32.

"MAY 5, 1828.—A petition from the Canada Annual Conference was presented by William Ryerson, praying that they may be separated from the jurisdiction of the General Conference of the Methodist Episcopal Church in the United States; which was, on motion, referred to a special committee, to consist of seven members.

"THE PETITION.

"*To the Bishops and Members of the General Conference of the Methodist Episcopal Church, assembled at Pittsburgh:—*

"REVEREND FATHERS AND BRETHREN:—The Canada Conference having, after mature deliberation, deemed a separation expedient, most humbly pray that they may be set off a separate and independent Church in Canada.

"Your petitioners are induced to present this their humble prayer for the following reasons:—

"1st. Our political relations, and the political feelings of a great part of the community, are such that we labour under many very serious embarrassments on account of our union with the United States; from which embarrassments we would, in all probability, be relieved by a separation.

"2d. The local circumstances of our societies in this province; the rapid increase and extension of the work, both among the white inhabitants and the Indians; the prospects of division among ourselves, if our present relation be continued—render it necessary for us to be under ecclesiastical regulations somewhat of a peculiar character, so as to suit our local circumstances. These circumstances, together with our being scattered over a large country, render it highly necessary to have a superintendent who may devote himself exclusively to the interests of the Church in this province. By this means he would be identified with us, would more sensibly feel our interests his own, and his influence would be proportionably greater in preserving us in the unity of the Spirit and the bond of peace.

"3d. It is highly probable we shall obtain some important religious privileges by becoming a separate body.

"4th. In the event of a war between the two nations, it would be altogether impracticable for a superintendent to discharge the duties of the office unless he be resident in this province.

"5th. It is the general wish of our people in this province to become separate; nor will they, according to present appearances, be satisfied without such separation.

"These, reverend fathers and brethren, are some of the principal reasons which induce us to pray for an independent ecclesiastical establishment in Upper Canada.

"Your petitioners, likewise, most humbly and earnestly solicit that the General Conference may also be pleased,

"1st. To maintain with the British Conference, as far as practicable, the main principles of the late arrangements with regard to Canada.

"2d. That the General Conference will appoint such an individual for a superintendent of our societies in Canada as may be nominated by the delegates of the Canada Conference.

"3d. That the Church in Canada may be embraced in the general and friendly principle recognised by the two connexions,—“The Wesleyan Methodists are the same in every part of the world.”

"4th. That the General Conference will, together with an independent establishment, be pleased to grant your petitioners a portion of the Book Concern, of the Chartered Fund, and a portion of the fund of the Missionary Society.

"JAMES RICHARDSON,

Sec. Canada Conf.

"September 7, 1827.

"MAY 6, 1828.—The committee on the petition from Canada was announced by the chair, and consists of the following members, to wit:—

"N Bangs, Isaac Bonny, Charles Pitman, Zachariah Paddock, Russel Bigalow, and Caleb Leach.

“ Report of the Committee on Canada Affairs.

“ ‘ The Committee on Canada Affairs, to whom was referred the petition of the Canada Conference praying this General Conference to grant a separate establishment of that branch of the Methodist Episcopal Church situated in the Province of Upper Canada, under certain conditions expressed in said petition, beg leave to report :—

“ ‘ That, having heard the statements of the delegation from the Canada Conference explanatory of the situation of the Church in that Province, and of the necessity and expediency of the measure prayed for in the petition ; and also considered the petition itself, together with the address of the Canada Conference to the several annual conferences in the United States, the committee are unanimously of the opinion, that, however peculiar may be the situation of our brethren in Canada, and however much we may sympathize with them in their present state of perplexity, this General Conference cannot consistently grant them a separate Church establishment, according to the prayer of the petitioners. The committee, therefore, recommend to the General Conference the adoption of the following resolutions :—

“ ‘ 1. That, inasmuch as the several annual conferences have not recommended it to the General Conference, it is unconstitutional, and also, under the circumstances, inexpedient, to grant the prayer of the petitioners for a separate Church establishment in Upper Canada.

“ ‘ 2. That an affectionate circular address be prepared by this General Conference, stating the reasons why their request cannot be granted, and expressing the unabated attachment of this Conference for their brethren in Canada, and their earnest desire for their continuance with them in the fellowship of the Church.

“ ‘ All which is respectfully submitted.

“ ‘ PITTSBURGH, May 12, 1828. (Signed,) N. BANGS, *Chairman.*’

“ ‘ MAY 17.—Rev. John Ryerson, one of the delegates from the Canada Conference, offered the following substitute for the report under consideration :—

“ ‘ Whereas the Canada Annual Conference, situated in the Province of Upper Canada, under a foreign government, have, in their memorial, presented to this Conference the disabilities under which they labour, in consequence of their union with a foreign ecclesiastical government, and setting forth their desire to be set off as a separate Church establishment ; and whereas this General Conference disclaim all right to exercise ecclesiastical jurisdiction under such circumstances, except by mutual agreement :—

“ ‘ 1. *Resolved*, therefore, by the delegates of the annual conferences in General Conference assembled, that the compact existing between the Canada Annual Conference and the Methodist Episcopal Church in the United States be, and hereby is, dissolved by mutual consent.

“ ‘ 2. That our superintendents or superintendent be, and hereby are, respectfully advised and requested to ordain such person as may be elected by the Canada Conference a superintendent for the Canada connexion.

“ ‘ 3. That we do hereby recommend to our brethren in Canada to adopt the form of government of the Methodist Episcopal Church in the United States, with such modifications as their particular relations shall render necessary.

“ ‘ 4. That we do hereby express to our Canada brethren our sincere desire that the most friendly feeling may exist between them and the connexion of the Methodist Episcopal Church in the United States.

“ ‘ 5. That the claims of the Canada Conference on our Book Concern and Chartered Fund, and any other claims they may suppose they justly have, shall be left open for future negotiation and adjustment between the two connexions.

G. R. JONES.

MOSES CRUME.’

“ ‘ May 17th.

“ ‘ The question on the first resolution was decided in the affirmative—104 for, and 43 against it. The other four resolutions were, on motion, referred to a special committee, to consist of five members. The president reported the names of the committee, which were as follows :—

“ ‘ John Emory, Wilbur Fisk, G. R. Jones, Beverly Waugh, Robert Paine.

“ ‘ The committee reported as follows :—

“ ‘ *Resolved* by the delegates of the annual conferences in General Conference as-

sembled, that, whereas the jurisdiction of the Methodist Episcopal Church in the United States of America has heretofore been extended over the ministers and members in connexion with said Church in the Province of Upper Canada, by mutual agreement, and by the consent and desire of our brethren in that province; and whereas this General Conference is satisfactorily assured that our brethren in the said Province, under peculiar and pressing circumstances, do now desire to organize themselves into a distinct Methodist Episcopal Church, in friendly relations with the Methodist Episcopal Church in the United States, therefore be it resolved, and it is hereby resolved, by the delegates of the annual conferences in General Conference assembled :—

“ 1. If the annual conference in Upper Canada, at its ensuing session, or any succeeding session previously to the next General Conference, shall definitely determine on this course, and elect a general superintendent of the Methodist Episcopal Church in that province, this General Conference does hereby authorize any one or more of the general superintendents of the Methodist Episcopal Church in the United States, with the assistance of any two or more elders, to ordain such general superintendent for the said Church in Upper Canada, provided always that nothing herein contained be contrary to, or inconsistent with, the laws existing in the said Province; and provided that no such general superintendent of the Methodist Episcopal Church in Upper Canada, or any of his successors in office, shall at any time exercise any ecclesiastical jurisdiction whatever in any part of the United States, or of the territories thereof; and provided also that this article shall be expressly ratified and agreed to by the said Canada Annual Conference, before any such ordination shall take place.

“ 2. That the delegate who has been selected by this General Conference to attend the ensuing annual conference of the British Wesleyan Methodist Connexion, be, and hereby is, instructed to express to that body the earnest and affectionate desire of this General Conference, that the arrangement made with that Connexion in relation to the labours of their missionaries in Upper Canada may still be maintained and observed.

“ 3. That our brethren and friends, ministers or others, in Upper Canada, shall at all times, at their request, be furnished with any of our books and periodical publications on the same terms with those by which our agents are regulated in furnishing them in the United States: and until there shall be an adjustment of any claims which the Canada Church may have on this connexion, the Book Agents shall divide to the said Canada Church an equal proportion of any annual dividend which may be made from the Book Concern to the several annual conferences respectively; provided, however, that the aforesaid dividend shall be apportioned to the Canada Church only as long as they may continue to support and patronize our Book Concern, as in time past.

“ Respectfully submitted.

(Signed)

W FISK, *Chairman*.

“ PITTSBURGH, May 20, 1828.”

“ WEDNESDAY MORNING, MAY 21.—It was, on motion, *Resolved*, That the subject of the petition from the Canada Conference be resumed: Whereupon, the resolutions, as reported by the last committee appointed on that subject, were read. It was then resolved, that the subject shall now be considered and acted on.

“ Samuel H. Thompson moved, and it was seconded, that the resolutions as reported by the committee be adopted. The question being taken, it was decided in the affirmative—108 voting in favour of adoption, and 22 against it.

“ MAY 23.—J. Emory moved, and it was seconded, that the resolution first adopted on the subject of the separation of the Canada Conference from the Connexion in the United States be re-considered; and the motion prevailed. It was then resolved, on motion, that this resolution be rescinded.

“ MAY 1, 1832.—An address from the delegates of the Methodist Episcopal Church of Canada was presented and read, and, on motion, that part of it relating to the Book Concern was referred to the Committee on the Book Concern, and that part of it relating to Missions, referred to the Committee on Missions.

“ MAY 18.—On motion, the report of the Committee on the Book Concern respecting the Canada business was called up. (The delegates, Messrs. William Case, Franklin Metcalf, and William Ryerson, having presented their certificates, which were accepted.) The report of the committee was then read, and seconded that it be adopted.

“ MAY 19.—The report on the Canada business was called up, and, after some remarks on the subject, D. Ostrander moved an amendment, which was withdrawn.

“Brothers Emory, Ryerson, and others, addressed the Conference on the subject until the hour of adjournment.

“MAY 21.—On motion, the consideration of the report on the Canada business was resumed. The report was read. Brother Case, one of the delegates from Canada, requested that Brother Fisk might be permitted to address the Conference for him, and in his place, to give his views on the subject, which was granted,—and replies were made by Brothers Few, Ryerson, &c., when it was moved and seconded that the vote should be taken without further debate. The question on the first resolution in the report was then read, voted, and lost—75 to 130. On motion by J. Emory, seconded by W. Capers, to amend the report, such amendment, together with the remaining items in the report, were referred to a select committee of five, to examine and report thereon.

“In the afternoon session, the select committee on the Canada business was announced by the president, (Bishop Hedding,)—namely, D. Ostrander, G. Pickering, J. Emory, L. Clark, and Abner Chase.

“MAY 23.—The report on the Canada business was then read by the secretary, and the first resolution taken up for consideration. Brothers Case, Ostrander, Cox, Winans, Ryerson, Emory, and others, spoke on the subject. The previous question was called for. Bishop Soule requested leave, and stated some points. Brother Ostrander moved an amendment, which was adopted. The vote on the previous question was then taken and carried. It was then moved to adopt the resolution as amended, voted and carried—153 to 34. It was then moved to adopt the preamble to the report; an amendment was moved and withdrawn. N. Bangs moved to take the previous question—carried. The question on the adoption of the preamble was then taken and carried—103 to 63.

“On motion of A. Brunson, seconded by W. Arnold, an amendment was proposed, which was adopted. The whole report amended, read thus, viz :—

“The report of this committee was made and adopted May 23, as follows :—

“The committee to whom was referred the business of the negotiation with the delegates of the Canada Conference on the subject of our Book Concern, having had the same under their serious consideration, are of opinion that, in consideration of their former relation to us, and the friendly feeling and brotherly affection which now exist between the two Connexions, as well as in view of the liberal and efficient support they have formerly given to the Concern, an apportionment of the property of the Concern ought to be made to them. But, as constitutional difficulties are believed to be in the way of such an appropriation by this Conference, because they have not been instructed on this subject by their constituents, according to the proviso at the end of the restrictive regulations, they beg leave to submit, for the adoption of the Conference, the following resolutions :—

“*Resolved*, That if three-fourths of all the members of the several annual conferences who shall be present and vote on the subject shall concur herein, and as soon as the fact of such concurrence shall be certified by the secretaries of the several annual conferences, then the book agents and book committee in New-York shall be, and they are hereby, authorized and directed to settle with the agents of the Canada Conference, on the following principles and preliminaries, namely :—

“1st. The dividend shall be made according to the proportion that the number of the travelling preachers in the Canada Conference bears to the number of the travelling preachers in the Methodist Episcopal Church in the United States, including in both estimates the superannuated preachers and those on trial.

“2d. The amount of property to be divided shall be reckoned according to the first and largest estimate of stock in the late exhibit of the book agents, namely, \$448,745 70½, deducting therefrom debts due from the Concern, annuities, &c., estimated at \$15,728 18, and the whole of the publishing fund, amounting to \$16,928 28, making a total deduction (including credits to be allowed M. Ruter and C. Holliday) of \$35,178 77, and leaving an amount to be divided of about \$413,566 93½.

“3d. That the Canada Conference shall receive a full proportion of the unsaleable and saleable stock, and of the bad as well as the good debts, considering the stock and debts in Canada that belong to the Book Concern as so much of the dividend already paid, but to be estimated as forming a part of the general Book Concern, according to the manner of estimating the whole amount.

“4. When the adjustment shall have been made, according to the foregoing preliminaries, it shall be deemed a final settlement of all claims which the Canada Confer-

ence may be supposed to have on the Book Concern, or any other funds or property of the Methodist Episcopal Church in the United States, in virtue of their former relation to us.

" *Resolved*. That our superintendents be, and they are hereby, respectfully requested to present the foregoing preamble and resolution to the annual conferences for their concurrence, as contemplated in the premises.

" 'The committee beg leave also to submit the following resolution:—

" *Resolved, &c.*, That until the will of the annual conferences shall be ascertained, and a final settlement be made, the Canada Conference shall receive the same equal annual dividend of the profits of the Book Concern as heretofore.'

" 5th. A motion for the adoption of this resolution was made, voted, and carried.

" On motion, The secretary is hereby directed to furnish the delegates from Canada with a copy of the decision of this Conference on that business."

On page 46 your Honours will find the minutes of the committee on the Canada claims. They are as follows:—

" *Minutes of Committee.*

" CINCINNATI, OHIO, May 6, 1836.

" Committee on Canada claims met on Friday evening, May 6th, at the Preachers' Office, Cincinnati. Committee consists of R. Payne, T. A. Morris, A. Griffith, M. Richardson, and C. Sherman. The whole committee present. C. Sherman chosen secretary. Rev. Mr. Lord presented to the committee a copy of the resolutions of the General Conference of 1828 and of 1832, on the subject of an appropriation from the Book Concern of the Methodist Episcopal Church to the Canada Conference, which was read. (See Doc. Nos. 1 and 2.) Copies of the resolutions of the annual conferences, concurring or non-concurring with the General Conference resolution, were then handed to the committee by Rev. B. Waugh, and read. (See Doc. No. 3.) The conferences concurring were as follow:—

New-England Conference, held June, 1832.....	Ayes 73	Noes 1
Maine Conference, held July 24, 1832.....	" 71	" 0
New-Hampshire Conference, held August 8, 1832.....	" 71	" 0
Oneida Conference, held 1833.....	" 77	" 2
Genesee Conference, held July, 1832.....	" 69	" 1
New-York Conference, held June 9, 1833.....	" 142	" 13

Six conferences For concurrence, 503 Against, 17

" The conferences non-concurring were as follow:—

Kentucky Conference, held Oct. 22, 1832	Non-concurring, 66	Concurring, 0
Indiana Conference, held October 17, 1832.....	" 36	" 0
Pittsburgh Conference, held Aug. 23, 1832.....	" 61	" 6
South Carolina Conference, held April 22, 1833.....	" 26	" 24
Mississippi Conference, held May 15, 1833.....	" 15	" 7
Ohio Conference.....	" 62	" 28
Holsten Conference, held March 29, 1833.....	" 34	" 8
Virginia Conference, held March 6, 1833.....	" 84	" 0
Baltimore Conference, held April 5, 1833.....	" 90	" 0
Philadelphia Conference, held April 24, 1833.....	" 89	" 1
Massouri Conference.....	" 24	" 2
Georgia Conference.....	" 41	" 13
Alabama Conference.....	" 22	" 3
Illinois Conference.....	" 19	" 2
Tennessee Conference.....	" 72	" 2

Fifteen conferences non-concurring. Number for, 741 Against, 96
17 503

Whole number in the several conferences against, 758 For, 599
" " " " for, 599

Majority against granting Canada claims, 159

"Brother Case then addressed the committee, making several remarks and statements in favour of the claims being answered. Committee was then addressed by brother Lord. After some information, obtained by brother Waugh, committee adjourned, to meet again next Tuesday evening.

(Signed,)

C. SHERMAN, *Sec'y.*

"The report of the committee appointed upon the subject of the Canada claim was presented and adopted May 19, as follows:—

"The committee to whom was referred the communication from the conference of the Wesleyan Methodist Church in British North America, beg leave to report:—

"Your committee have given a serious, and they trust a candid, attention to the document referred to them. They have invited before them the president of the Canada Conference, the Rev. William Lord, and the delegate from Canada, the Rev. William Case, and have listened with pleasure to their remarks, and perused with close attention a communication purporting to set forth the grounds of these claims. But inasmuch as the last General Conference did distinctly avow that constitutional restrictions prohibited their action, and proceeded to lay the question before the several annual conferences, in order to obtain the decision of these primary bodies upon the subject, your committee were admonished that the task devolving upon them is limited to this single consideration, namely, Have the annual conferences determined against the claims of the Canada Conference?

"This point is determined by the votes of all the annual conferences, which, being properly authenticated, and having been carefully examined, stand as follows:—

In favour of concurring with the General Conference of 1832.....	599
Against concurring	758

Whole number of votes taken1357

"This statement shows that, instead of three-fourths of the votes being in favour of obviating the constitutional restrictions, as the Discipline in such cases requires, a large majority have decided against it. And this decision your committee regard as final and conclusive against these claims.

"But inasmuch as the General Conference have ever claimed and exercised the right to regulate the discount at which our books may be sold to wholesale purchasers, and with a view to an amicable and final arrangement of all the difficulties which have existed on this subject, and especially with a sincere desire to go as far as justice to the Methodist Episcopal Church will authorize, to encourage and perpetuate the friendly and fraternal feelings which should ever exist between the different members of the great Methodist family, the committee submit to the consideration, and for the adoption, of the General Conference the following arrangement, mutually agreed to by the delegates from Canada and the book agents, and which we are assured will be satisfactory to our Canadian brethren, if sanctioned by this Conference.

"Whereas the Canada Conference, now in connexion with the Wesleyan Methodists of Great Britain, was formerly united to, and formed part of, the Methodist Episcopal Church; and whereas the union, which by mutual consent then subsisted, was dissolved at the earnest and repeated solicitations of the ministers and members of the Church in Canada, which was definitively determined upon by an act of the Canada Conference, who thereupon and subsequently did form a union with, and become a part of, the Wesleyan Methodist Connexion; and whereas there has been a difference of opinion between the Methodist Episcopal Church and the Canada Conference in regard to the claim which has been urged by the Canada Conference, of an interest in, and a portion of, the Methodist Book Concern; and whereas the decision of the several annual conferences, to whom the subject was referred by the General Conference of 1832, has been adverse to the claim of the Canada Conference, and has thereby precluded any further action of the General Conference on the ground of claim, as made by the Canada Conference; but whereas this General Conference cherishes an affectionate remembrance of the Canada brethren, and is desirous to manifest its fraternal regard in every suitable way; and whereas the Canada Conference did, at its last session, appoint its president, the Rev. William Lord, and the Rev. Egerton Ryerson, delegates to this General Conference to negotiate its claims on the Book Concern, and the Rev. William Case, having been duly appointed to

take the place of Rev. E. Ryerson in the negotiation ; and whereas the said Rev. William Lord, president of the Canada Conference, and the Rev. William Case, have full powers to bring to an amicable termination the question pending between the two connexions, therefore it is hereby declared to be mutually understood and agreed, that the following plan shall be considered as an arrangement for the full and final adjustment and settlement of the matter at issue between the Canada Conference and the Methodist Episcopal Church ; to wit, The agents of the Methodist Book Concern shall furnish to the book-steward of the Canada Conference any of the books which may be issued from its press at the following rates, subject to the conditions and provisions hereinafter named :—

“ 1. The general alphabetical catalogue books, whether in sheets or bound, shall be sold at forty per cent. discount from the retail prices, as long as the present discount of one-third shall be made to wholesale purchasers ; but should the discount be hereafter changed to one-fourth, then, in that case, the books sold to the book-steward of the Canada Conference shall be charged at a discount of one-third from the retail prices which shall from time to time be affixed to them respectively. Provided that this discount shall not apply to such books as may be reduced below the usual prices on account of rival publishers ; and provided, also, that the Canada Conference shall give satisfactory security in regard to the payment of any debt which may be contracted with the Methodist Book Concern, within one year from the time such debt may be created. And it is also expressly understood and agreed, that no interest shall be demanded or paid on any such debts, unless payment shall be delayed beyond the period of credit before named. in which event interest shall be charged and paid, from and after the expiration of said credit term. It is also further provided, that all books which may be ordered by the book-steward of the Canada Conference shall be at the risk and expense of the said Conference, from the time they shall be forwarded from the Methodist Book Concern.

“ 2. Sunday-school books and tracts shall be furnished to the book-steward of the Canada Conference at a premium of eighteen per cent., to be paid in general catalogue books at *retail prices* ; and it is hereby declared to be understood and agreed, that the same provisions and conditions are to be adjudged applicable to Sunday-school books and tracts as have been specified above in regard to books generally.

“ 3. It is understood and agreed, that the privileges herein secured to the Canada Conference shall be binding on the Methodist Book Concern until the first day of May, 1852, next ensuing the present date ; *Provided*, also, that the said Canada Conference shall regularly and truly make annual settlements to the satisfaction of the agents of the Methodist Book-Concern, and not otherwise.

“ 4. Finally, it is hereby mutually understood and agreed, that the foregoing arrangement is considered as a full, and definite, and satisfactory adjustment of the question which has arisen between the Canada Conference and the Methodist Episcopal Church on the subject of the Methodist Book Concern.

“ In testimony whereof, the agents of the Methodist Book-Concern, and the delegates of the Canada Conference, have mutually affixed their respective signatures, this eighteenth day of May, 1836, in the city of Cincinnati, Ohio.

(Signed)

B. WAUGH & T. MASON, *Agents*.
WILLIAM LORD, } *Delegates from*
WILLIAM CASE, } *Canada.*

“ May 23, 1832 —On motion of P. Akers, which was seconded, *Resolved*, that a copy of the resolution of the last General Conference by which the Canada Conference was allowed to dissolve connexion with the Methodist Episcopal Church in the United States ; and also a copy of the acts of this General Conference on Canada affairs, accompany the resolutions about to be presented to the annual conferences.”

I propose now, if your Honours please, to return to page 43, and to read from that and subsequent pages an address from the Canada Conference, held in 1833, to show that, notwithstanding their separation, the parties treated each other as members of the same body—the Methodist Episcopal Church—for all practical purposes.

"To the Bishops and Members of the General Conference of the Methodist Episcopal Church in the United States."

"REVEREND FATHERS AND BRETHREN:—We rejoice to avail ourselves of this occasion to declare, in the words of the venerable Wesley in his last letter to America, 'that the Methodists are one people in all the world, and that it is their full determination so to continue,—

"Though mountains rise, and oceans roll,
To sever us in vain."

"In connexion with you, we were born and nourished ; in connexion with you, we have laboured and prospered ; and from your example and liberality, and the counsels of two of your venerable bishops, and several of your highly esteemed preachers, we have derived assistance and advantages which have enabled us greatly to extend the work of God in this new country, and the grateful recollection of which will never be effaced from our minds.

"When the full period arrived in 1828, in which the welfare, harmony, and safety of our Church rendered it expedient for us to be organized into a separate and independent body, you candidly took into consideration our local circumstances, and generously complied with our wishes—and, at the same time continued to us the expression of your kindness and liberality. That separation, however, was not on our part, any more than on yours, a separation of doctrine, of discipline, of motive, or of affection, but only of political, geographical, and ecclesiastical boundary. Still with you we were one in heart, in aim, in doctrine, and discipline. Under the influence of this conviction and feeling, we sought to obtain a general superintendent from your connexion, and made successive applications to no less than four members of your conference to fill that highly important office over us. But all our applications were unsuccessful, and our efforts to establish and settle our economy were fruitless. In this unsettled state of anxious suspense, we have been involved for the last five years, during which time we have been with difficulty, but mercifully, preserved from agitation, division, and encroachment. Providence has at length opened the way for the settlement of our economy upon a permanent foundation. By the large influx of British emigration to this province, and especially of persons who had been connected with Methodist societies and congregations in Great Britain and Ireland, the attention of the Wesleyan Missionary Committee in London was particularly attracted, and pressing appeals were made to the Christian feelings and benevolence of the British Conference from many of their former flocks for a supply of those ordinances which they had enjoyed in the land of their fathers. These circumstances, together with the admitted and notorious fact of our inadequacy as a body, both in regard to men and means, to supply all the religious wants of the white settlements and Indian tribes, induced the Wesleyan Missionary Committee about a year since to determine on sending a number of missionaries into Upper Canada. For this purpose the committee sent the Rev. Robert Alder as their representative to this province, to inquire into its religious condition. Between Mr. Alder and this conference a negotiation was commenced, which has now resulted in a union between the Canadian and British connexion. This measure has been accomplished upon a principle of perfect equality, without any sacrifice of principle or independence on either side, and with merely those changes in one or two features of the prudential part of our economy, 'which our local circumstances require,'—as stated and provided for in the articles of separation from your connexion in 1828. So that, without departing from either the letter or spirit of the resolutions of your body, in generously granting our request for a separation, we have, through the Divine blessing, been enabled to adopt a plan—the only and most efficient plan—by which divisions may be prevented among our own societies, and misunderstandings with others ; a plan which will secure the unity of Methodism throughout the province, and bring to our assistance a large addition of means and men to carry on the work of the Lord among the white population and the Indian tribes of North America ; a plan which has been adopted unanimously and cordially both by this and the British Conference.

In this providential and gracious opening we recognise the peculiar hand of God, and we are persuaded you will rejoice with us in thus witnessing Methodism throughout the British empire, as throughout the United States, connected in a common bond of union, and sustained and extended under a common management. Nor are

we in this necessary and beneficial arrangement the less united and grateful to you as our fathers, brethren, and benefactors; and we devoutly hope that no circumstance will occur which may tend to weaken our mutual confidence and affection in the final adjustment of those claims, the justice of which has been recognised and sanctioned by the majority of your body at two successive sessions.

"We shall rejoice to co-operate with you, and to assist you with native labourers, as far as in our power, until, by the blessing of God, the Western wilderness shall be illuminated by the light of the Gospel, and the banners of the Lamb shall be unfurled to the Pacific Ocean.

"We enjoy perfect harmony and peace throughout all our borders, and great prosperity in many places. Our Church members amount to 16,039, and the blessings of the Lord our God are abundantly upon us. We rejoice to hear of your great success, and most devoutly pray that you may go on prospering more and more.

"By order and on behalf of the Conference of the Wesleyan Methodist Church in British North America.

(Signed)

"GEORGE MARSDEN, *President*.
EGERTON RYERSON, *Secretary*.

"YORK, UPPER CANADA, October 9, 1833."

I will read next, if your Honours please, a few extracts in relation to alterations which have taken place from time to time in the restrictive rules:—

"MAY 22, 1828.—W Fisk, for the committee to which had been referred the subject of recommending to the annual conferences some alterations in the restrictive rules, reported. The time of adjournment being near, it was moved and seconded to extend the session until six o'clock, and the motion was lost. It was then resolved, on motion, to extend the session for fifteen minutes. During the discussion, the time of adjournment having nearly arrived, it was resolved, on motion, to extend it ten minutes. A division of the above report was called for; and the question being taken on the first part, it was carried. The vote was then taken on the second and last part, and that was also carried.

"And then the Conference adjourned.

"The following is the report referred to above:—

"The committee to whom was referred the subject embraced in a resolution suggesting the propriety of providing for the alteration of one of the rules commonly called the restrictive rules, beg leave to report the following resolution:—

"*Resolved*, That this General Conference respectfully suggest to the several annual conferences the propriety of recommending to the next General Conference so to alter and amend the rules of our Discipline, by which the General Conference is restricted in its powers to make rules and regulations for the Church, commonly called the restrictive rules, as to make the proviso at the close of the restrictive rules, No 6, read thus,—

"*Provided nevertheless*, That upon the concurrent recommendation of three-fourths of all the members of the several annual conferences who shall be present and vote on such recommendation, then a majority of two-thirds of the General Conference succeeding shall suffice to alter any such regulations excepting the first article

"*And also*, whenever such alteration or alterations shall have first been recommended by two-thirds of the General Conference, so soon as three-fourths of the members of the annual conferences shall have concurred as aforesaid with such recommendation, such alteration or alterations shall take effect.

"All which is respectfully submitted.

W. FISK, *Chairman*."

"MAY 22, 1832.—The Committee on the Itinerancy beg leave to report the following, as the result of their deliberations on the subject recommended to them, viz.:

"I. *Resolved*, That this General Conference recommend to the several annual conferences for their concurrence and adoption, as provided in the sixth article of the restrictive rules, the following resolution to amend the second article of the said restrictive rules:—

"II. *Resolved*, That the second article of the restrictive rules be so altered as to read,—

“ “They shall not allow of more than one representative for every fourteen members of the annual conference, nor allow for less number than one for every thirty: provided, nevertheless, that when there shall be in any annual conference a fraction of two-thirds the number which shall be fixed for the ratio of representation, such annual conference shall be entitled to an additional delegate for such fraction. And provided, also, that no conference shall be deprived the privilege of two delegates.”

“ ‘III. *Resolved*, That the secretary furnish each of the bishops with a copy of these resolutions, and they are hereby respectfully requested to present the same to the several annual conferences, or cause the same to be presented at their next session, for their concurrence; and where the bishops or any two of the bishops shall have ascertained that three-fourths of all the members of the several annual conferences voting in the case have concurred with this General Conference, they shall certify the same, and cause such certificate to be printed in the minutes, and published three successive weeks in the *Christian Advocate and Journal*.

“ ‘IV. *Resolved*, That the ratio of representation for the next General Conference be one for every fourteen, provided the annual conferences concur in the alteration as above recommended by this conference.

“ ‘And that the Discipline in Section 3, Answer 1 to Question 2, on page 19, shall thereupon be so altered as to read,—

“ ‘“The General Conference shall be composed of one member for every fourteen members of each annual conference,”’ &c.

“ 1836.—The ratio of representation was altered to one for every twenty-one; and to allow this, the second of the restrictive rules was changed to the following:—

“ ‘They shall not allow of more than one representative for every fourteen members of the annual conference, nor allow of a less number than one for every thirty: provided, nevertheless, that when there shall be in any annual conference a fraction of two-thirds the number which shall be fixed for the ratio of representation, such annual conference shall be entitled to an additional delegate for such fraction; and provided, also, that no conference shall be denied the privilege of two delegates,’ ”

Now, if your Honours please, I will read what relates to the subject of slavery. I will first read what appears in the Discipline as it stands on that subject. And first what is contained in the Discipline of 1840, under which, in fact, all these difficulties arose.

“ Of Slavery.

“ *Quest.* What shall be done for the extirpation of the evil of slavery ?

“ *Ans.* 1. We declare that we are as much as ever convinced of the great evil of slavery: therefore no slaveholder shall be eligible to any official station in our Church hereafter, where the laws of the State in which he lives will admit of emancipation, and permit the liberated slave to enjoy freedom.

“ 2. When any travelling preacher becomes an owner of a slave or slaves, by any means, he shall forfeit his ministerial character in our Church, unless he execute, if it be practicable, a legal emancipation of such slaves, conformably to the laws of the State in which he lives.

“ 3. All our preachers shall prudently enforce upon our members the necessity of teaching their slaves to read the word of God; and to allow them time to attend upon the public worship of God on our regular days of divine service.

“ 4. Our coloured preachers and official members shall have all the privileges which are usual to others in the district and quarterly conferences, where the usages of the country do not forbid it. And the presiding elder may hold for them a separate district conference, where the number of coloured local preachers will justify it.

“ 5. The annual conferences may employ coloured preachers to travel and preach where their services are judged necessary; provided that no one shall be so employed without having been recommended according to the form of Discipline.—Pp. 209, 210.”

Now I turn, your Honours, to the extracts from “Minutes of several Conversations between the Rev. Thomas Coke, LL.D., the Rev. Francis Asbury, and others, at a Conference begun in Baltimore, in the State of Maryland, on Monday, the 27th

December, in the year 1784." This is the first Discipline of the Methodist Episcopal Church, adopted at what is called the "Christmas Conference."

"*Quest. 41. Are there any directions to be given concerning the negroes?*"

"*Ans. Let every preacher, as often as possible, meet them in class. And let the assistant always appoint a proper white person as their leader. Let the assistants also make a regular return to the conference of the number of negroes in society in their respective circuits.*"

"*Quest. 42. What methods can we take to extirpate slavery?*"

"*Ans. We are deeply conscious of the impropriety of making new terms of communion for a religious society already established, excepting on the most pressing occasion: and such we esteem the practice of holding our fellow-creatures in slavery. We view it as contrary to the golden law of God on which hang all the law and the prophets, and the unalienable rights of mankind, as well as every principle of the revolution, to hold in the deepest debasement, in a more abject slavery than is perhaps to be found in any part of the world except America, so many souls that are all capable of the image of God.*"

"*We therefore think it our most bounden duty to take immediately some effectual method to extirpate this abomination from among us: and for that purpose we add the following to the rules of our society, viz:—*"

"*1. Every member of our society who has slaves in his possession, shall, within twelve months after notice given to him by the assistant, (which notice the assistants are required immediately, and without any delay, to give in their respective circuits,) legally execute and record an instrument, whereby he emancipates and sets free every slave in his possession who is between the ages of forty and forty-five immediately, or at farthest when they arrive at the age of forty-five.*"

"*And every slave who is between the ages of twenty-five and forty immediately, or at farthest at the expiration of five years from the date of the said instrument.*"

"*And every slave who is between the ages of twenty and twenty-five immediately, or at farthest when they arrive at the age of thirty.*"

"*And every slave under the age of twenty, as soon as they arrive at the age of twenty-five at farthest.*"

"*And every infant born in slavery after the above-mentioned rules are complied with, immediately on its birth.*"

"*2. Every assistant shall keep a journal, in which he shall regularly minute down the names and ages of all the slaves belonging to all the masters in his respective circuit, and also the date of every instrument executed and recorded for the manumission of the slaves, with the name of the court, book, and folio, in which the said instruments respectively shall have been recorded: which journal shall be handed down in each circuit to the succeeding assistants.*"

"*3. In consideration that these rules form a new term of communion, every person concerned, who will not comply with them, shall have liberty quietly to withdraw himself from our society within the twelve months succeeding the notice given as aforesaid: otherwise the assistant shall exclude him in the society.*"

"*4. No person so voluntarily withdrawn, or so excluded, shall ever partake of the supper of the Lord with the Methodists, till he complies with the above requisitions.*"

"*5. No person holding slaves shall, in future, be admitted into society or to the Lord's supper, till he previously complies with these rules concerning slavery.*"

"*N. B. These rules are to affect the members of our society no farther than as they are consistent with the laws of the States in which they reside.*"

"*And respecting our brethren in Virginia that are concerned, and after due consideration of their peculiar circumstances, we allow them two years from the notice given, to consider the expedience of compliance or non-compliance with these rules.*"

"*Quest. 43. What shall be done with those who buy or sell slaves, or give them away?*"

"*Ans. They are immediately to be expelled: unless they buy them on purpose to free them.—Pp. 42-44.*"

That your Honours will see was done by the conference which commenced its meeting in December of 1784. It was the annual conference. There was no General Conference at the time it was first organized. It was the act of the body of the Church represented by all its preachers.

The next annual conference met in 1785.

"1785.—At the annual conferences for 1785, it was concluded that the rule on slavery, adopted at the Christmas Conference, would do harm. It was, therefore, resolved to suspend its execution for the present, and a note to that effect was added to the annual minutes for that year. The conferences, however, still expressed 'the deepest abhorrence' of 'the practice,' and a determination 'to seek its destruction by all wise and prudent means.'—P. 80."

This provision never re-appeared, as I am instructed, in any future discipline.

I turn now to page 20 of the first of the Proofs, which contains extracts on this subject from Emory's History of the Discipline,

"For the provisions on this subject prior to 1784, see pp. 14, 15, 19, 21, 22. For the rules adopted at the Christmas Conference, see pp. 43, 44. Not more than six months had elapsed after the adoption of these last rules before it was thought necessary to suspend them. Accordingly, in the annual minutes for 1785 the following notice was inserted:—

"It is recommended to all our brethren to suspend the execution of the minute on slavery till the deliberations of a future conference; and that an equal space of time be allowed all our members for consideration, when the minute shall be put in force.

"N. B. We do hold in the deepest abhorrence the practice of slavery; and shall not cease to seek its destruction by all wise and prudent means."

"This note does not seem to refer to Question 43, (1784,) as it, with the same answer, was retained in the Discipline of 1786. From this till 1796 no mention, it would seem, was made of the subject except in the General Rules. (See p. 181.)"

From the General Rules of the Society I will read an extract:—Discipline of 1840, p. 80:—

"There is only one condition previously required of those who desire admission into these societies, 'a desire to flee from the wrath to come, and to be saved from their sins.' But, wherever this is really fixed in the soul, it will be shown by its fruits. It is therefore expected of all who continue therein, that they should continue to evidence their desire of salvation,

"First, by doing no harm, by avoiding evil of every kind, especially that which is most generally practised; such as,

"The taking the name of God in vain.

"The profaning the day of the Lord, either by doing ordinary work therein, or by buying or selling.

"Drunkenness: or drinking spirituous liquors, unless in case of necessity.

"The buying and selling of men, women, and children, with an intention to enslave them.

"Fighting, quarrelling, brawling, brother going to law with brother; returning evil for evil; or railing for railing; the using many words in buying or selling.

"The buying or selling goods that have not paid the duty.

"The giving or taking things on usury, i. e., unlawful interest.

"Uncharitable or unprofitable conversation: particularly speaking evil of magistrates or of ministers.

"Doing to others as we would not they should do unto us."

I have read sufficient to show how it was then considered. On page 21 of the First of the Proofs we have the following:—

"1796.—The following section was introduced on the subject:—

"*Quest.* What regulations shall be made for the extirpation of the crying evil of African slavery?

"*Ans.* 1. We declare that we are more than ever convinced of the great evil of the African slavery which still exists in these United States, and do most earnestly recommend to the yearly conferences, quarterly meetings, and to those who have the oversight of districts and circuits to be exceedingly cautious what persons they admit to official stations, to require such security of those who hold slaves, for the emancipation of them, immediately or gradually, as the laws of the States respectively,

and the circumstances of the case, will admit ; and we do fully authorize all the yearly conferences to make whatever regulations they judge proper, in the present case, respecting the admission of persons to official stations in our Church."

We call your Honours' attention to this because it is one of the strongest expressions made use of to meet the difficulty. In case of future admissions to official station, security was to be required of those who held slaves for the emancipation of them, immediately or gradually, as the laws of the States respectively, and the circumstances of the case, will admit.

" 2 No slaveholder shall be received into society till the preacher who has the oversight of the circuit has spoken to him freely and faithfully on the subject of slavery.

" Every member of the society who sells a slave shall immediately, after full proof, be excluded the society. And if any member of our society purchase a slave, the ensuing quarterly meeting shall determine on the number of years in which the slave so purchased would work out the price of his purchase. And the person so purchasing shall, immediately after such determination, execute a legal instrument for the manumission of such slave, at the expiration of the term determined by the quarterly meeting. And in default of his executing such instrument of manumission, or on his refusal to submit his case to the judgment of the quarterly meeting, such member shall be excluded the society. *Provided also*, that in the case of a female slave, it shall be inserted in the aforesaid instrument of manumission, that all her children who shall be born during the years of her servitude, shall be free at the following times, namely ; every female child at the age of twenty-one, and every male child at the age of twenty-five. *Nevertheless*, if the member of our society executing the said instrument of manumission, judge it proper, he may fix the times of manumission of the children of the female slaves before mentioned at an earlier age than that which is prescribed above.

" 4 The preachers and other members of our society are requested to consider the subject of negro slavery with deep attention till the ensuing General Conference ; and that they impart to the General Conference, through the medium of the yearly conferences, or otherwise, any important thoughts upon the subject, that the conference may have full light, in order to take further steps towards the eradicating this enormous evil from that part of the Church of God to which they are united.

" 1800 —The following new paragraphs were inserted :—

" 2 When any travelling preacher becomes an owner of a slave or slaves, by any means, he shall forfeit his ministerial character in our Church, unless he execute, if it be practicable, a legal emancipation of such slaves, conformably to the laws of the State in which he lives.

" The annual conferences are directed to draw up addresses for the gradual emancipation of the slaves, to the legislatures of those States in which no general laws have been passed for that purpose. These addresses shall urge, in the most respectful, but pointed manner, the necessity of a law for the gradual emancipation of the slaves ; proper committees shall be appointed, by the annual conferences, out of the most respectable of our friends, for the conducting of the business ; and the presiding elders, elders, deacons, and travelling preachers, shall procure as many proper signatures as possible to the addresses, and give all the assistance in their power in every respect to aid the committees, and to further this blessed undertaking. Let this be continued from year to year, till the desired end be accomplished.

" 1804 —The following alterations were made :—

" The question reads,—What shall be done for the extirpation of the evil of slavery ?

" In paragraph 1 (1796) instead of ' more than ever convinced,' we have ' as much as ever convinced ;' and instead of ' the African slavery which still exists in these United States,' we have ' slavery.'

" In paragraph 4, (3 of 1796,) respecting the selling of a slave, before the words ' shall immediately,' the following clause is inserted :—' except at the request of the slave, in cases of mercy and humanity, agreeably to the judgment of a committee of

the male members of the society, appointed by the preacher who has charge of the circuit.'

"The following new proviso was inserted in this paragraph:—'*Provided also*, that if a member of our society shall buy a slave with a certificate of future emancipation, the terms of emancipation shall, notwithstanding, be subject to the decision of the quarterly meeting conference.' All after '*nevertheless*' was struck out, and the following substituted:—'The members of our societies in the States of North Carolina, South Carolina, Georgia, and Tennessee, shall be exempted from the operation of the above rules.' The paragraphs about considering the subject of slavery and petitions to legislatures, (namely, No. 4 of 1796, and No. 6 of 1800,) were struck out, and the following added:—

"5. Let our preachers, from time to time, as occasion serves, admonish and exhort all slaves to render due respect and obedience to the commands and interests of their respective masters.'

"1808.—All that related to slaveholding among private members (see 2 and 3 of 1796) struck out, and the following substituted:—

"3. The General Conference authorizes each annual conference to form their own regulations relative to buying and selling slaves.'

"Paragraph 5 of 1804 was also struck out.

"1812.—Paragraph 3 of 1808 was altered so as to read,—

"Whereas the laws of some of the States do not admit of emancipating of slaves, without a special act of the legislature; the General Conference authorizes each annual conference to form their own regulations relative to buying and selling slaves.'

"1816.—Paragraph 1 (see 1796) was altered so as to read,—

"1. We declare that we are as much as ever convinced of the great evil of slavery; therefore no slaveholder shall be eligible to any official station in our Church hereafter, where the laws of the State in which he lives will admit of emancipation, and permit the liberated slave to enjoy freedom.'

"1820.—Paragraph 3, (see 1812,) leaving it to the annual conferences 'to form their own regulations about buying and selling slaves,' was struck out.

"1824.—The following paragraphs added:—

"3. All our preachers shall prudently enforce upon our members the necessity of teaching their slaves to read the word of God; and to allow them time to attend upon the public worship of God on our regular days of divine service.

"4. Our coloured preachers and official members shall have all the privileges which are usual to others in the district and quarterly conferences, where the usages of the country do not forbid it. And the presiding elder may hold for them a separate district conference, where the number of coloured local preachers will justify it.

"5. The annual conferences may employ coloured preachers to travel and preach where their services are judged necessary; provided that no one shall be so employed without having been recommended according to the Form of Discipline,' —Pp. 274–279."

We now come down, if your Honours please, to the journal of the General Conference of 1840, page 56 of the first of the Proofs, and we approach to the very acts of dissension. We read these parts of the evidence with a view to show the actual state of the difficulty in which the society found itself in 1844, and whether there was a permanent or serious difficulty, or not.

"MAY 2.—O. Scott of the New-England Conference, presented a petition from persons residing in New-York on the subject of slavery. On the presenting of this petition, J. Early moved the appointment of a standing Committee on Slavery, to whom all papers, petitions, and memorials, upon that subject, shall be referred. Adopted. Ordered that the committee consist of twenty-eight members, one from each annual conference, and appointed by the respective delegations.

"FRIDAY, MAY 8.—E. Dorsey presented the memorial of the stewards and others of Westmoreland circuit, Baltimore Conference, complaining of the action of the Baltimore Annual Conference, in refusing to elect to ordination local preachers, on the single ground of their being slaveholders.

“ The memorial was read, and ineffectual efforts made to procure other reference. After discussion it was, on motion, referred to a select committee of nine to consider and report thereon.”

Your Honours will permit me to explain that the Westmoreland Circuit was in Virginia, but connected with the Baltimore Conference.

“ WEDNESDAY, MAY 13.—On motion of J. A. Collins, the report of the Committee on the Judiciary, of 1836, in relation to a memorial from Westmoreland and Lancaster circuits, Baltimore Conference, was referred to the committee raised on the memorial from Westmoreland circuit to this Conference.

“ THURSDAY, MAY 21.—N. Bangs, chairman of the Committee on Slavery, presented a report, which was read.

“ O. Scott stated that the minority of the committee had a report which they wished to present. Moved that the report of the majority be laid on the table for the present. Carried.

“ It was then moved that the report of the minority be read. After discussion, it was moved to lay this on the table. Carried.

“ On motion, the report of the Committee on Slavery was again taken up. The first resolution accompanying the report was read.

“ Moved to adjourn. Lost.

“ O. Scott, rising to speak, and intimating that he would probably extend his remarks beyond fifteen minutes, it was, on motion, resolved to suspend the rule restricting a speaker to fifteen minutes, so as to permit brother Scott to proceed at his own discretion.

“ Moved to adjourn. Lost.

“ After brother Scott had proceeded some time with his remarks, he gave way for a motion to adjourn, which prevailed ; and Conference adjourned, to meet to-morrow morning, at half-past eight o'clock.”

THE COURT.—Where was that Conference held ?

MR. LORD.—In the city of Baltimore. It commenced on the 1st of May, 1840.

MR. REVERDY JOHNSON.—The Conference of 1844 was held in this city

MR. LORD continued to read as follows :—

“ FRIDAY MORNING, MAY 22.—Conference proceeded to the consideration of the unfinished business of yesterday, it being the first resolution accompanying the report of the Committee on Slavery. The discussion was renewed.

“ On motion, Conference resolved, that when it adjourned, it adjourn to meet this afternoon, at three o'clock.

“ During the debate, brother Crowther being on the floor, and having spoken fifteen minutes, a motion was made that he have liberty to proceed with, and conclude his remarks. For this, a substitute was moved in these words, That the rule restricting speaking to fifteen minutes be suspended during the discussion of the subject before the Conference. Lost.

“ The question recurring upon the original motion, it was withdrawn by the mover, but was immediately renewed and adopted.”

I pass on to page 67 of the first of the Proofs for the continuation of the proceedings of this Conference :—

“ MAY 28.—W. Capers, chairman of the Committee on the Address from the Wesleyan Methodist Connexion, made a report, accompanied with letters to the British and Canada Conferences, which were read. Moved to adopt the report and letters.” (See appendix, Documents B. and C.)

“ O. Scott called for a division on adopting the letter to the British Conference. H. Sherer moved to recommit the report. Lost. J. T. Mitchell offered the following resolution, which was adopted :—Resolved, That the committee revise the letter to the British Conference, so as to refer to our literary institutions, and to the interchange of representatives.”

“ The question was then taken on adopting the report of the committee.

"1. On the letter to the British Wesleyan Conference, a division was called for ; and on motion, that part which does not refer to slavery was adopted. "That part relating to slavery was also adopted ; one hundred and fourteen voting in the affirmative, and eighteen in the negative."

I now propose to read extracts from some documents which in these proceedings have been referred to ; first, that which begins on page 58 of the first of the Proofs, and next, that which begins on page 64, which express the sentiments of the Conference at that period.

MR. JOHNSON, JUN., read the following extract :—

" Extract from Address of the Bishops to the General Conference of the Methodist Episcopal Church.

"In a body so numerous as the Methodist connexion, embracing twenty-eight annual conferences, extended over these United States and Territories, and connected with different civil and domestic institutions, it is hardly expected that all should see 'eye to eye' relative to the meaning and administration of the Discipline of the Church, or the fitness and expediency of measures which may be adopted in conformity to such a state of things.

"It has been the constant aim and united endeavour of your general superintendents to preserve uniformity and harmony in these respects ; and, as far as practicable, prevent conflicting action in all the official bodies in the Church. But although we record, with unfeigned gratitude to the God of all grace and consolation, the general peace, and harmony, and prosperity of the body since your last session, it becomes our painful duty to lay before you some exceptions to this happy and prosperous condition.

"At the last session of the General Conference the subject of slavery and its abolition was extensively discussed, and vigorous exertions made to effect new legislation upon it. But after a careful examination of the whole ground, *aided by the light of past experience*, it was the *solemn conviction* of the Conference that the interests of religion would not be advanced by any additional enactments in regard to it.

"In your Pastoral Address to the ministers and people at your last session, with great unanimity, and, as we believe, in the true spirit of the ministers of the peaceful Gospel of Christ, you solemnly advised the whole body to abstain from all abolition movements, and from agitating the exciting subject in the Church. This advice was in perfect agreement with the individual as well as associated views of your superintendents. But, had we differed from you in opinion, in consideration of the age, wisdom, experience, and official authority of the General Conference, we should have felt ourselves under a solemn obligation to be governed by your counsel. We have endeavoured, both in our official administration, and in our private intercourse with the preachers and members, to inculcate the sound policy and Christian spirit of your Pastoral Address. And it affords us great pleasure to be able to assure you, that our efforts in this respect have been very generally approved, and your advice cordially received and practically observed in a very large majority of the annual conferences, as will more fully appear to you on the careful examination of the journals of those bodies for the last four years. But we regret that we are compelled to say, that in some of the Northern and Eastern conferences, in contravention of your Christian and pastoral counsel, and of your best efforts to carry it into effect, the subject has been agitated in such forms, and in such a spirit, as to disturb the peace of the Church. This unhappy agitation has not been confined to the annual conferences, but has been introduced into quarterly conferences, and made the absorbing business of self-created bodies in the bosom of our beloved Zion. The professed object of all these operations is to free the Methodist Episcopal Church from the 'great moral evil of slavery,' and to secure to the enslaved the rights and privileges of free citizens of these United States. How far the measures adopted, and the manner of applying those measures, are calculated to accomplish such an issue, even if it could be effected by any action of ecclesiastical bodies, your united wisdom will enable you to judge.

"We cannot, however, but regard it as of unhappy tendency that either individual members or official bodies in the Church, should employ terms and pass resolutions

of censure and condemnation on their brethren, and on public officers and official bodies, over whose actions they have no legitimate jurisdiction. It requires no very extensive knowledge of human nature to be convinced that if we would convert our fellow-men from the error of their ways, we must address them, not in terms of crimination and reproach, but in the milder language of respect, persuasion and kindness.

“It is justly due to a number of the annual conferences in which a majority, or a very respectable minority, of the members are professedly abolitionists, to say that they occupy a very different ground, and pursue a very different course from those of their brethren who have adopted ultra principles and measures in this unfortunate, and, we think, unprofitable controversy. The result of action had in such conferences on the resolution of the New-England Conference, recommending a very important change in our general rule on slavery, is satisfactory proof of this fact, and affords us strong and increasing confidence that the unity and peace of the Church are not to be materially affected by this exciting subject. Many of the preachers who were favourably disposed to the cause of abolition, when they saw the extent to which it was designed to carry these measures, and the inevitable consequence of their prosecution, came to a pause, reflected, and declined their co-operation. They clearly perceived that the success of the measures would result in the division of the Church; and for such an event they were not prepared. They have no disposition to criminate their brethren in the South, who are unavoidably connected with the institution of slavery, or to separate from them on that account. It is believed that men of ardent temperament, whose zeal may have been somewhat in advance of their knowledge and discretion, have made such advances in the abolition enterprise as to produce a reaction. A few preachers and members, disappointed in their expectations, and despairing of the success of their cause in the Methodist Church, have withdrawn from our fellowship, and connected themselves with associations more congenial with their views and feelings; and others, in similar circumstances, may probably follow their example. But we rejoice in believing that these secessions will be very limited, and that the great body of Methodists in these States will continue as they have been—one and inseparable. The uniformity and stability of our course should be such as to let all candid and thinking men see, that the *cause* of secessions from us is not a change of our doctrine or moral discipline—no imposition of new terms of communion—no violation of covenant engagements on the part of the Church. It is a matter worthy of particular notice, that those who have departed from us do not pretend that any material change in our system, with respect either to doctrine, discipline, or government, has taken place since they voluntarily united themselves with us. And it is ardently to be desired that no such innovation may be effected, as to furnish any just ground for such a pretension.

“The experience of more than half a century, since the organization of our ecclesiastical body, will afford us many important lights and landmarks, pointing out what is the safest and most prudent policy to be pursued in our onward course as regards African slavery in these States, and especially in our own religious community. This very interesting period of our history is distinguished by several characteristic features having a special claim to our consideration at the present time, particularly in view of the unusual excitement which now prevails on the subject, not only in the different Christian Churches, but also in the civil body. And, first: our general rule on slavery, which forms a part of the Constitution of the Church, has stood from the beginning unchanged, as testamentary of our sentiments on the principle of slavery and the slave trade. And in this we differ in no respect from the sentiments of our venerable founder, or from those of the wisest and most distinguished statesmen and civilians of our own and other enlightened and Christian countries. Secondly: in all the enactments of the Church relating to slavery, a due and respectful regard has been had to the laws of the States, never requiring emancipation in contravention of the civil authority, or where the laws of the States would not allow the liberated slave to enjoy his freedom. Thirdly: the simply holding or owning slaves, without regard to circumstances, has at no period of the existence of the Church subjected the master to excommunication. Fourthly: rules have been made from time to time regulating the sale, and purchase, and holding of slaves, with reference to the different laws of the States where slavery is tolerated; which, upon the experience of the great difficulties of administering them, and the unhappy consequences both to masters and servants, have been as often changed or repealed. These important

facts, which form prominent features of our past history as a Church, may very properly lead us to inquire for that course of action in future, which may be best calculated to preserve the peace and unity of the whole body, promote the greatest happiness of the slave population, and advance generally, in the slave-holding community of our country, the humane and hallowing influence of our holy religion. We cannot withhold from you, at this eventful period, the solemn conviction of our minds, that no new ecclesiastical legislation on the subject of slavery, at this time, will have a tendency to accomplish these most desirable objects. And we are fully persuaded that, as a body of Christian ministers, we shall accomplish the greatest good by directing our individual and united efforts, in the spirit of the first teachers of Christianity, to bring both master and servant under the sanctifying influence of the principles of that Gospel which teaches the duties of every relation, and enforces the faithful discharge of them by the strongest conceivable motives. Do we aim at the amelioration of the condition of the slave? How can we so effectually accomplish this, in our calling as ministers of the Gospel of Christ, as by employing our whole influence to bring both him and his master to a saving knowledge of the grace of God, and to a practical observance of those relative duties so clearly prescribed in the writings of the inspired apostles? Permit us to add, that, although we enter not into the political contentions of the day, neither interfere with civil legislation, nor with the administration of the laws, we cannot but feel a deep interest in whatever affects the peace, prosperity, and happiness of our beloved country. The union of these States, the perpetuity of the bonds of our national confederation, the reciprocal confidence of the different members of the great civil compact,—in a word, the *well-being* of the community of which we are members, should never cease to lie near our hearts, and for which we should offer up our sincere and most ardent prayers to the Almighty Ruler of the universe. But can we, as ministers of the Gospel, and servants of a Master 'whose kingdom is not of this world,' promote these important objects in any way so truly and permanently as by pursuing the course just pointed out? Can we, at this eventful crisis, render a better service to our country, than by laying aside all interference with relations authorized and established by the civil laws, and applying ourselves wholly and faithfully to what specially appertains to our 'high and holy calling;' to teach and enforce the moral obligations of the Gospel, in application to all the duties growing out of the different relations in society? By a diligent devotion to this evangelical employment, with an humble and steadfast reliance upon the aid of Divine influence, the number of 'believing masters' and servants may be constantly increased, the kindest sentiments and affections cultivated, domestic burdens lightened, mutual confidence cherished, and the peace and happiness of society be promoted. While, on the other hand, if past history affords us any correct rules of judgment, there is much cause to fear that the influence of our sacred office, if employed in interference with the relation itself, and consequently with the civil institutions of the country, will rather tend to prevent than to accomplish these desirable ends."

MR. LORD.—If your Honours please, the extract from the address of the bishops, which has been read, is neither dated nor signed; but for the date and signatures, I refer you to the printed Minutes, or Journal of the General Conference, of 1840, page 151, and you will find that it was signed by R. R. Roberts, Joshua Soule, E. Hedding, James O. Andrew, B. Waugh, and Thomas A. Morris, being all the bishops of the Church at that time. It bears date, Baltimore, May 4, 1840.

The hour of three o'clock, the usual hour of adjournment, having arrived, the Court was adjourned until to-morrow, at ten o'clock. A. M.

SECOND DAY.—TUESDAY, May 20, 1851.

MR. LORD.—Before the adjournment yesterday, if your Honours please, we read an extract from the Address of the Bishops to the General Conference of the Methodist Episcopal Church, held in Baltimore in 1840. I now propose to read an extract from the Address of the British Conference to the bishops and members of the General Conference of the Methodist Episcopal Church in the United States of America, and an extract from an Address of the General Conference to the British

Conference. I refer your Honours to page 67 of the first of the Proofs, for the action of the General Conference of 1840, upon these documents.

"From Address of the British Conference.

" But while we freely indulge in sentiments such as these, we cannot forget that on one subject especially—the subject of American slavery—you, our beloved brethren, are placed in circumstances of painful trial and perplexity. We enter, with brotherly sympathy, into the peculiar situation which you are now called to occupy. But on this question, we beg to refer you to what occurs in our Address to you from the conference of 1836, a proper copy of which will be handed to you by our representative; as also to the contents of our preceding letter of 1835. To the principles which we have affectionately but honestly declared in these two documents we still adhere, with a full conviction of their Christian truth and justice.

" The time which has elapsed, and the events which have taken place, since the preparation of the above-mentioned papers, serve only to confirm us yet more in our views of the moral evil of slavery. Far be it from us to advocate violent and ill-considered measures. We are, however, strongly and unequivocally of opinion that it is, at this time, the paramount Christian duty of the ministers of our most merciful Lord in your country to maintain the *principle* of opposition to slavery with earnest zeal and unflinching firmness. May we not also be allowed, with the heart-felt solicitude of fraternal love, to entreat that you will not omit or qualify the noble testimony which we have extracted, in a note to our Address, from your Book of Discipline, but that you will continue to insert it there in its primitive and unimpaired integrity!"

"From Address of the General Conference.

" We have considered, with affectionate respect and confidence, your brotherly suggestions concerning slavery, and most cheerfully return an unreserved answer to them. And we do so the rather, brethren, because of the numerous prejudicial statements which have been put forth in certain quarters to the wounding of the Church. We assure you then, brethren, that we have adopted no new principle or rule of discipline respecting slavery since the time of our apostolic Asbury; neither do we mean to adopt any. In our general rules, (called the 'General Rules of the United Societies,' and which are of constitutional authority in our Church,) '*the buying and selling of men, women, and children, with an intention to enslave them,*' is expressly prohibited; and in the same words, substantially, which have been used for the rule since 1792. And the extract of part ii, section 10, of our Book of Discipline, which you quote with approbation, and denominate 'a noble testimony,' is still of force to the same extent that it has been for many years; nor do we entertain any purpose to omit or qualify this section, or any part thereof. For while we should regard it a sore evil to divert Methodism from her proper work of '*spreading Scripture holiness over these lands,*' to questions of temporal import, involving the rights of Caesar, yet are we not the less minded on that account to promote and set forward all humane and generous actions, or to prevent, to the utmost of our power, such as are evil and unchristian. It is our first desire, after *piety toward God*, to be '*merciful after our power; as we have opportunity, doing good of every possible sort, and as far as possible, to all men—to their bodies,*' but especially, and above all, '*to their souls.*'

" Of these United States, (to the government and laws of which, 'according to the division of power made to them by the constitution of the Union, and the constitutions of the several States, we owe, and delight to render, a sincere and patriotic loyalty,) there are several which do not allow of slavery. There are others in which it is allowed, and there are slaves; but the tendency of the laws, and the minds of the majority of the people, are in favour of emancipation. But there are others in which slavery exists so universally, and is so closely interwoven with their civil institutions, that both do the laws disallow of emancipation, and the great body of the people (the source of laws with us) hold it to be treasonable to set forth anything, by word or deed, tending that way. Each one of all these States is independent of the rest, and sovereign, with respect to its internal government, (as much so as if there existed no confederation among them for ends of common interest,) and therefore it is impossible to frame a rule on slavery proper for our people in all the States alike. But our Church is extended through all the States, and as it would be wrong and unscriptural to enact a rule of discipline in opposition to the constitution and laws of

the State on this subject, so also would it not be equitable or Scriptural to confound the positions of our ministers and people (so different as they are in different States) with respect to the moral question which slavery involves.

“Under the administration of the venerated Dr. Coke, this plain distinction was once overlooked, and it was attempted to urge emancipation in *all* the States; but the attempt proved almost ruinous, and was soon abandoned by the doctor himself. While, therefore, the Church has encouraged emancipation in those States where the laws permit it and allowed the freed-man to enjoy freedom, we have refrained, for conscience' sake, from all intermeddling with the subject in those other States where the laws make it criminal. And such a course we think agreeable to the Scriptures, and indicated by St. Paul's inspired instruction to servants in his First Epistle to the Corinthians, chap. vii, ver. 20, 21. For if servants were not to care for their servitude when they *might not* be free, though if they *might* be free they should use it *rather*; so, neither should masters be condemned for not setting them free when they *might not* do so, though if they *might* they should do so *rather*. The question of the evil of slavery, abstractedly considered, you will readily perceive, brethren, is a very different matter from a principle or rule of Church discipline to be executed contrary to, and in defiance of, the law of the land. Methodism has always been (except perhaps in the single instance above) eminently loyal and promotive of good order; and so we desire it may ever continue to be, both in Europe and America. With this sentiment we conclude the subject, adding only the corroborating language of your noble Missionary Society, by the revered and lamented Watson, in their instructions to missionaries, published in the Report of 1833, as follows:—

““As in the colonies in which you are called to labour a great proportion of the inhabitants are in a state of slavery, the committee most strongly call to your remembrance what was so fully stated to you when you were accepted as a missionary to the West Indies, that your only business is to promote the moral and religious improvement of the slaves to whom you may have access, without, in the least degree, in public or private, interfering with their civil condition.””

I will now continue to read from the proceedings of the General Conference of 1840—page 68, of the first of the Proofs—the report of the Committee on the Westmoreland Petition, which was a case in which they had rejected a local preacher from ordination on the ground that he was a slave-holder.

“WEDNESDAY, JUNE 3.—H. B. Bascom, chairman of the Committee on the Petition from Westmoreland, Va., presented a report, which was read and adopted.

Report on the Westmoreland Petition.

““The committee, to whom was referred the memorial and appeal of some fifteen official members of the Methodist Episcopal Church in Westmoreland circuit, Baltimore Conference, on the subject of alleged withholdment of right from a portion of the local ministry within the limits of that conference, and to whom was likewise referred the report of the judiciary committee upon a similar remonstrance from the same division of the Baltimore Conference, signed by about thirty official members of the Church, and addressed to the General Conference in 1836, after giving to the subject the attention its obvious importance demands, beg leave to report the following as the result of their deliberations:—

““The particular portion, or rather general section of country in which these remonstrances have their origin, although belonging to the Baltimore Conference, is found within the limits of the state of Virginia; and the memorialists represent in strong but respectful terms, that local preachers within the jurisdiction of the Baltimore Conference, but residing in the commonwealth of Virginia, have, in considerable numbers, and for a succession of years, been rejected as applicants for deacons' and elders' orders in the ministry, solely on the ground of their being slaveholders or the owners of slaves. In the memorials referred to, it is distinctly stated, that election and ordination have been withheld from the applicants in question, on no other ground or pretence, than that of their being the owners of slave property; and it is further argued, that the Baltimore Conference avows this to be the only reason of the course they pursue, and which is complained of by the petitioners. The appellants allege further, that the laws of Virginia relating to slavery, forbid emancipation, except under restrictions, and subject to contingencies, amounting, to all

intents and purposes, to a prohibition ; and that the Discipline of the Church having provided for the ordination of ministers thus circumstanced, the course pursued by the Baltimore Conference operates as an abridgment of right, and, therefore, furnishes just ground of complaint. The memorialists regard themselves as clearly entitled to the protection of the well-known provisional exception to the general rule on this subject, found in the Discipline ; and assume with confidence, and argue with firmness and ability, that no other objection being found to the character of candidates for ordination, it is a departure from the plain intentment of the law in the case, and a violation of not less express compact than of social justice, to withhold ordination for reasons which the provisions of the law plainly declare are not to be considered as a forfeiture of right. It is set forth in the argument of the appellants, that attaching themselves to the Church as citizens of Virginia, where, in the obvious sense of the Discipline, emancipation is impracticable, the holding of slaves, or failure to emancipate them, cannot plead in bar to the right of ordination, as is the case in States where emancipation, as defined and qualified by the rule in the case, is found to be practicable. In the latter case, the question is within the jurisdiction of the Church, inasmuch as the holding or not holding of property of this kind depends, not upon the constitution and regulation of civil property, but upon the will and purpose of individuals. Under such circumstances the conduct in question is voluntary, and in every final sense the result of choice. In the former, however, where emancipation is resisted by the prohibition of law, it may be otherwise ; and in many instances is known to be, resulting entirely from the involuntary relations and circumstances of individuals connected with the very structures of civil polity, and the force and array of public opinion and popular interest. The memorialists advert to the fact, that we have in the Discipline two distinct classes of legislative provisions in relation to slavery—the one applying to owners of slaves where emancipation is practicable, consistently with the interests of master and slaves ; and the other where it is impracticable without endangering such safety, and these interests on the part of both. With the former, known as the general rule on this subject, the petitioners do not interfere in any way, and are content simply to place themselves under the protection of the latter, as contracting parties with the Church ; and the ground of complaint is, that the Church has failed to redeem the pledge of its own laws, by refusing or failing to promote to office ministers, in whose case no disability attaches on the ground of slavery, because the disability attaching in other cases is here removed by special provision of law, and so far leaves the right to ordination clear and undoubted, and hence the complaint against the Baltimore Conference. In further prosecution of the duty assigned them, your committee have carefully examined the law, and inquired into the system of slavery as it exists in Virginia, and find the representation of the memorialists essentially correct. The conditions with which emancipation is burdened in that commonwealth, preclude the practicability of giving freedom to slaves as contemplated in the Discipline, except in extremely rare instances—say one in a thousand, and possibly not more than one in five thousand. The exception in the Discipline is, therefore, strictly applicable to all the ministers and members of the Methodist Episcopal Church, holding slaves in Virginia, and they appear clearly entitled to the benefit of the rule made and provided in such cases.

“As emancipation under such circumstances is not a requirement of Discipline, it cannot be made a condition of eligibility to office. An appeal to the policy and practice of the Church for fifty years past, will show incontestably, that, whatever may have been the convictions of the Church with regard to this great evil—the nature and tendency of the system of slavery—it has never insisted upon emancipation in contravention of civil authority ; and it, therefore, appears to be a well-settled and long-established principle in the policy of the Church, that no ecclesiastical disabilities are intended to ensue, either to the ministers or members of the Church in those States where the civil authority forbids emancipation. The general rule, therefore, distinctly and invariably requiring emancipation as the ground of right and the condition of claim to ordination where the laws of the several States admit of emancipation and permit the liberated slave to enjoy freedom, and which, in the judgment of your committee, should always be carried into effect with unyielding firmness, does not apply to your memorialists, and cannot, by any fair construction of law, affect their rights.

“On the other hand, your committee have given the most careful consideration to

the position of the Baltimore Conference complained of by the appellants. The journals of the several sessions of the Baltimore Conference, for a series of years, have been carefully examined, and found to be silent on the subject of the rejections in question, except the single statement, that A, B, and C, from time to time, applied for admission or orders, and were rejected. We find no rule or reason of action, no evidence of preconcertion, no grounds or reasons of rejection, stated in any form, directly or indirectly. Nothing of this kind is avowed in, or found upon the face of the journals of that body. The charge of particular motives, it occurs to your committee, cannot be sustained in the instance of a deliberative body, say the Baltimore Conference, unless it appears in evidence that the motives have been avowed by a majority of the conference; and it is not in proof that the conference has ever had an action to this effect, whatever may have been the declaration of individuals sustaining the charge of the appellants. The fact charged, without reference to motives, that there had been a long list of rejections, both as regards admission into the travelling connexion and ordination, until the exception seems to be made a general rule, is undoubtedly true, and it is not denied by the defendants. The evidence, however, in relation to specific reasons and motives, is defective, and does not appear to sustain the charge of a contravention of right by any direct accredited action of the Baltimore Conference had in the premises.

“That this view of the subject presents a serious difficulty, is felt by your committee, and must be so by all. The rule applicable in this case allows an annual conference to elect under the circumstances; but does not, and, from the very nature and ubiquity of the case, cannot require it. Among the unquestioned constitutional rights of our annual conferences, is that of acting freely, without any compulsory direction, in the exercise of individual franchise. Election here is plainly an assertion of personal right on the part of the different members composing the body, with regard to which, the claim to question or challenge motives does not belong even to the General Conference, unless the result has turned upon avowed considerations unknown to the law and rule in the case. The journal of the conference is the only part of its history of which this body has cognizance; and to extend such cognizance to the reasons and motives of individual members of conferences not declared to be the ground of action by a majority, would be to establish a rule at once subversive of the rights and independence of annual conferences. In the very nature of the case an annual conference must possess the right of free and uncontrolled determination, not only in the choice of its members, but in all its elections, and, keeping within the limits and restrictions of its charter as found in the Discipline, can only be controlled in the exercise of such rights by moral and relative considerations connected with the intelligence and interests of the body.

“The memorialists prayed the last General Conference, and they again ask this, to interfere authoritatively, by change or construction of rule, so as to afford relief; and in failure to do so, in the memorial of 1836, they ask to be set off to the Virginia Conference as the only remaining remedy. In their present petition they are silent on the subject of a transfer to Virginia. Under all the circumstances of the case, and taking into the account the probabilities of future action in the premises, your committee cannot but regard this as the only conclusive remedy. But how far this may be considered as relatively practicable, or whether advisable, in view of all the interests involved, the committee have no means of determining, and therefore leave it to the judgment of those who have. That the petitioners, in accordance with the provisions of the Discipline, whether said provisions be right or wrong, are entitled to remedy, your committee cannot for a moment doubt, inasmuch as they are labouring, and have been for years, under practical disabilities actually provided against by the Discipline of the Church. The alleged grievance is by the petitioners themselves regarded as one of administration, not of law. No change of legislation is asked for, unless this body prefer it; and it does not appear to your committee to be called for by any view of the subject they have been able to take.

“Your committee are unwilling to close this brief view of the subject, without anxiously suggesting that, as it is one of the utmost importance and intense delicacy in its application and bearings throughout our entire country, involving in greater or less degree the hopes and fears, the anxieties and interests of millions, it must be expected that great variety of opinions and diversity of conviction and feeling will be found to exist in relation to it, and most urgently call for the exercise of mutual for-

bearance and reciprocal good-will on the part of all concerned. May not the principles and causes giving birth and perpetuity to great moral and political systems or institutions be regarded as evil, even essentially evil, in every primary aspect of the subject, without the implication of moral obliquity on the part of those involuntarily connected with such systems and institutions, and providentially involved in their operation and consequences? May not a system of this kind be jealously regarded as in itself more or less inconsistent with natural right and moral rectitude, without the imputation of guilt and derelict motive, in the instance of those who, without any choice or purpose of their own, are necessarily subjected to its influence and sway?

“Can it be considered as just or reasonable to hold individuals responsible for the destiny of circumstances over which they have no control? Thus conditioned in the organic arrangements and distributions of society, is there any necessary connexion between the moral character of the individual and that of the system? In this way the modifying influence of unavoidable agencies or circumstances in the formation of character is a well-known principle, and one of universal recognition in law, morals, and religion, and upon which all administration of law, not unjust and oppressive, must proceed. And your committee know no reason why the rule is inapplicable, or should not obtain, in relation to the subject of this report. In conclusion, your committee would express the deliberate opinion that, while the general rule on the subject of slavery, relating to those States only whose laws admit of emancipation and permit the liberated slave to enjoy freedom, *should be firmly and constantly enforced*, the exception to the general rule, applying to those States where emancipation, as defined above, is not practicable, should be recognised and protected with equal *firmness and impartiality*. The committee respectfully suggest to the Conference the propriety of adopting the following resolution:—

“Resolved, by the delegates of the several annual conferences in General Conference assembled, That under the provisional exception of the general rule of the Church on the subject of slavery, the simple holding of slaves, or mere ownership of slave property, in States or Territories where the laws do not admit of emancipation and permit the liberated slave to enjoy freedom, constitutes no legal barrier to the election or ordination of ministers to the various grades of office known in the ministry of the Methodist Episcopal Church, and cannot therefore be considered as operating any forfeiture of right in view of such election and ordination.”

I beg your Honours' attention to the phrase, “constitutes no legal barrier to the election or ordination of ministers to the various grades of office known in the ministry of the Methodist Episcopal Church.”

I now proceed to quote from the acts of the General Conference of 1844, upon the case of Mr. Harding, which arose in the Baltimore Conference, which, I believe, has been called the “Breakwater Conference.” This General Conference commenced its sittings in the city of New-York, on Wednesday, May 1, 1844, on which day Bishops Soule, Hedding, Andrew, Waugh, and Morris, were present. From the Minutes it appears that this Conference was flooded with petitions upon the subject of slavery; and on the 4th of May this precise and particular case came up.—(*P* 75, *first of the Proofs*.)

“SATURDAY, MAY 4, 1844.—J. A. Gere presented the appeal of Francis A. Harding, of the Baltimore Conference; which, on motion, the Conference made the special order for Tuesday next.

“TUESDAY, MAY 7.—On motion, the rule of business was suspended to take up the special order of the day, namely: The appeal of Francis A. Harding, of the Baltimore Conference.

“J. Early announced that the appellant was present, and had spoken to W. A. Smith of the Virginia Conference, to act as his representative, in presenting and prosecuting the appeal.

“The journal of the Baltimore Conference, unfolding its action in regard to the appellant, and from which he appeals, was read by the Secretary. From this it appears that F. A. Harding had been suspended from his ministerial standing for refusing to manumit certain slaves which came into his possession by his marriage. On motion of S. Luekev and J. B. Finley, the appeal was admitted and entertained.

"W. A. Smith, in behalf of the appellant, made a statement, and argued the case until near the hour of adjournment. When he had concluded, J. A. Collins moved that the case be postponed, and made the special order for to-morrow, to be taken up immediately after the reading of the journal. Adopted.

"WEDNESDAY, MAY 8.—On motion, the journal of yesterday was so amended as to read, 'the order of business according to the rule was suspended, to take up the order of the day, namely: the appeal of F. A. Harding.' The journal as amended was approved and confirmed.

"The consideration of the appeal case before the Conference yesterday was resumed.

"J. A. Collins, in behalf of the Baltimore Conference in this case, addressed the Conference in reply to W. A. Smith, and in defence of the action of the Baltimore Conference, until eleven o'clock. H. Slicer, A. Griffith, and T. B. Sargent, were also heard for the Baltimore Conference.

"When the delegates of the Baltimore Conference had spoken, the place was given to the representative of the appellant to rejoin. At this point, J. Early moved that the further consideration of this case be postponed until to-morrow morning at ten o'clock, and that it be made the special order for that time. J. A. Collins moved to amend, by inserting, instead of ten o'clock, 'immediately after the reading of the journal.' This was lost. N. Rounds moved to amend by inserting 'three o'clock to-morrow afternoon.' J. A. Collins moved further to amend by inserting 'this afternoon.' As a substitute, W. Capers moved, that the Conference attend to this business to-morrow morning, immediately after reading the journal. W. M'Mahan moved, that when the Conference adjourn, it adjourn to meet the American Bible Society, to-morrow morning at ten o'clock. This motion was laid on the table. Finally, at fifteen minutes before one o'clock, E. R. Ames moved that Conference do now adjourn; which motion was adopted, and Conference separated after prayer by brother Spaulding.

"FRIDAY, MAY 10.—The appeal of F. A. Harding was resumed. By consent of W. A. Smith, the representative of the appellant, J. A. Collins, who acted in behalf of the Baltimore Conference, was allowed to make a further response for the Baltimore Conference to the statement and defence of W. A. Smith. He spoke until within five minutes of eleven o'clock.

"When W. A. Smith was about to reply, Conference, on motion of T. Crowder, resolved to prolong the session until he should have concluded his rejoinder.

"W. A. Smith, on behalf of the appellant, was then heard in reply to the representative of the Baltimore Conference. He spoke until after one o'clock; and the pleadings on both sides were closed.

"SATURDAY, MAY 11.—On motion of E. R. Ames, the rules of Conference were suspended for the purpose of taking up the appeal of F. A. Harding. W. A. Smith came forward when the appeal was resumed, and asked leave to make further statements in regard to the appellant. A motion to grant leave was offered and carried. When the Conference had heard Mr. Smith, J. Early offered the following resolution, namely:—

"Resolved, That the act of the Baltimore Annual Conference, by which F. A. Harding was suspended from his ministerial functions, be, and the same is, hereby reversed."

"The yeas and nays were called for, and ordered by a vote of Conference; and the secretary proceeded to call the list by conferences, in the order in which they stand in the Discipline, in the chapter on boundaries. The secretaries reported the vote as follows:—*Nays* 117, against reversing the decision of the Baltimore Conference; and *56 yeas*, in favour of reversing that decision."

I omit the lists of the names of those who voted, and proceed to read the subsequent proceedings (p. 79):—

"When S. Olin's name was called, he asked to be excused from voting on this question, because indisposition had prevented him from hearing the whole case. He was, on motion, excused.

"J. A. Gere also asked to be excused from voting, because he had once sat in judgment on the case, and had been called upon as a witness. He was not excused.

"It appeared, on calling the list, that J. G. Dow, R. Paine, and L. Scott were absent.

"N. Bangs and S. Dunwoody were reported sick.

"So the motion to reverse the act of the Baltimore Annual Conference was lost by the above vote of 117 to 56.

"The chair decided that this vote virtually affirmed the action of the Baltimore Annual Conference, in suspending Francis A. Harding from his ministerial standing. W. Capers took an appeal from the decision of the chair. The appeal was put, and the decision of the chair sustained, by a vote of 111 for sustaining the decision, and 53 against sustaining it. So the vote virtually affirmed the action of the Baltimore Conference on suspending F. A. Harding."

In connexion with this, I call your Honours' attention to the question of Maryland Law which is involved in it. The debates of the General Conference of 1844 (pp. 21, 22) show that legal opinions were produced from the Honourable William D. Merrick, U. S. Senator, and Mr. Edmund Key, showing that Mr. Harding could not manumit his slaves. These opinions were produced before a committee of the Baltimore Conference, which was appointed to investigate the case of Mr. Harding. Mr. Merrick's opinion is in these words:—

"At the request of Mr. Harding, I have to state that, under the laws of Maryland, no slave can be emancipated to remain in that State, nor unless provision be made by the person emancipating him for his removal from the State, which removal must take place, unless for good and sufficient reason the competent authorities grant permission to the manumitted slave to remain.

"There has lately (winter of 1843) been a statute enacted by the State legislature, securing to married females the property (slaves of course included) which was theirs at the time of their marriage, and protecting it from the power and liabilities of their husbands.

(Signed)

"WILLIAM D. MERRICK."

The opinion of Judge Key is as follows:—

"The Rev. Mr. Harding having married Miss Swan, who, at the time of her marriage, was entitled to some slaves, I am requested to say, whether he can legally manumit them or not? By an act of Assembly, no person can manumit a slave in Maryland; and by another act of our Assembly, a husband has no other or further right to his wife's slaves than their labour, while he lives. He can neither sell nor liberate them. Neither can he and his wife, either jointly or separately, manumit her slaves, by deed, or otherwise. A reference to the Acts of Assembly of Maryland will show this.

"EDMUND KEY.

"Prince George County, April 25th, 1844."

The Law of Maryland, on the subject of slavery, is also set forth in the debates of the General Conference of 1844: indeed, there are several of them, which appear to have been copied from books in the library of the Historical Society in this city. The first which I shall read is chap. 293.—

"SEC. 1. *Be it enacted by the General Assembly of Maryland,* That from and after the passage of this act, any married woman may become seized or possessed of any property, real or of slaves, by direct bequest, demise, gift, purchase, or distribution, in her own name, and as of her own property; *provided,* the same does not come from her husband after coverture.

"SEC. 2. *And be it enacted,* That hereafter, when any woman possessed of a property in slaves, shall marry, her property in such slaves, and their natural increase, shall continue to her, notwithstanding her coverture; and she shall have, hold, and possess the same as her separate property, exempt from any liability for the debts or contracts of the husband.

"SEC. 3. *And be it enacted,* That when any woman during coverture shall become entitled to, or possessed of, slaves by conveyance, gift, inheritance, distribution, or otherwise, such slaves, together with their natural increase, shall enure and belong to the wife in like manner as is above provided as to slaves which she may possess at the time of marriage.

"SEC. 4. *And be it enacted*, That the control and management of all such slaves, the direction of their labour, and the receipts of the productions thereof, shall remain to the husband agreeably to the laws heretofore in force. All suits to recover the property or possession of such slaves, shall be prosecuted or defended, as the case may be, in the joint names of the husband and wife; in case of the death of the wife, such slaves shall descend and go to her children, and their descendants, subject to the use of the husband during life, without liability to his creditors; and if she die without leaving children living, or descendants of such children living, they shall descend and go to the husband.

"SEC. 5. *Be it enacted*, That the slaves owned by a femme-covert under the provisions of this act, may be sold by the joint deed of the husband and wife, executed, proved, and recorded agreeably to the laws now in force in regard to the conveyance of real estate of femme-coverts, and not otherwise.

"SEC. 6. *And be it enacted*, That a wife shall have a right to make a will, and give all her property, or any part thereof, to her husband, and to other persons, with the consent of the husband subscribed to said will; *provided always*, that the wife shall have been privately examined by the witnesses to her will, apart and out of the presence and hearing of her husband, whether she doth make the same will freely and voluntarily, and without being induced thereto by fear or threats of, or ill usage by, said husband, and says she does it willingly and freely; *provided*, that no will under this act shall be valid, unless made at least sixty days before the death of the testatrix."

And then, on the subject of manumission, we have an extract from the laws of Maryland, from Dorsey's "Laws of Maryland," in 1831. I read from the debates of the Conference of 1844, p. 24 :—

"*And be it enacted*, That it shall hereafter be the duty of every clerk of a county in this State, whenever a deed of manumission shall be left in his office for record, and of every register of wills in every county of this State, whenever a will manumitting a slave or slaves shall be admitted to probate, to send, within five days thereafter (under a penalty of ten dollars for each and every omission so to do, to be recovered before any justice of the peace, one half whereof shall go to the informer, and the other half to the State) an extract from such deed or will, stating the names, number, and ages of the slave or slaves so manumitted, a list whereof, in the case of the will so proved, shall be filed therewith by the executor or administrator to the board of managers for Maryland for removing the people of colour of said State; and it shall be the duty of said board, on receiving the same, to notify the American Colonization Society, or the Maryland State Colonization Society thereof, and to propose to such society, that they shall engage, at the expense of said society, to remove said slave or slaves so manumitted to Liberia; and if the said society shall so engage, then it shall be the duty of the said board of managers to have the said slave or slaves delivered to the agent of such society, at such place as the said society shall appoint for receiving such slave or slaves, for the purpose of such removal, at such time as the said society shall appoint; and in case the said society shall refuse so to receive and remove the person or persons so manumitted and offered: or in case the said person or persons shall refuse so to be removed, then it shall be the duty of the said board of managers to remove the said person or persons to such other place or places beyond the limits of this State, as the said board shall approve of, and the said person or persons shall be willing to go to, and provide for their reception and support such place or places as the board may think necessary, until they shall be able to provide for themselves, out of any money that may be earned by their hire, or may be otherwise provided for that purpose; and in case the said person or persons shall refuse to be removed to any place beyond the limits of this State, and shall persist in remaining therein, then it shall be the duty of said board to inform the sheriff of the county wherein such person or persons may be, of such refusal, and it shall thereupon be the duty of said sheriff forthwith to arrest, or cause to be arrested, the said person or persons so refusing to emigrate from this State, and transport the said person or persons beyond the limits of this State; and all slaves shall be capable of receiving manumission for the purpose of removal as aforesaid, with their consent, of whatever age, any law to the contrary notwithstanding." Chap. 281, sec. 3."

We find a supplement to this law in 1832 :—

“CHAP. 145, SEC. 1. *Be it enacted by the General Assembly of Maryland, That whenever the board of managers, appointed under the act to which this is a supplement, shall inform the sheriff of any county of the refusal to remove any person or persons therein mentioned, and shall provide a sum sufficient to defray the removal of said person or persons beyond the limits of the State, every sheriff then failing to comply, within the term of one month, with the duties prescribed in the third section of the act aforesaid, shall forfeit fifty dollars for every person he shall neglect so to remove, to be recoverable in the county court, by action of debt on indictment.*

“SEC. 2. *And be it enacted, That nothing herein contained shall be construed to repeal any part of the act to which this is a supplement.*”

“The foregoing is a copy, corrected by myself, from the acts referred to, as published in Dorsey’s Laws of Maryland.

“GEORGE H. MOORE,
Assistant Librarian New-York Historical Society.”

We have now, may it please your Honours, finished the case of Mr. Harding, and we come to the case of Bishop Andrew. I read from page 80 of the first of the Proofs :—

“MONDAY, MAY 20.—J. A. Collins offered the following resolution, which was adopted, viz. :—

“Whereas it is currently reported, and generally understood, that one of the bishops of the Methodist Episcopal Church has become connected with slavery : and whereas it is due to this General Conference to have a proper understanding of the matter ; therefore,

“Resolved, That the Committee on the Episcopacy be instructed to ascertain the facts in the case, and report the results of their investigation to this body to-morrow morning.

JOHN A. COLLINS,
J. B. HOUGHTALING.’

“TUESDAY, MAY 21.—The Committee on Episcopacy presented a further report. No. 3, which was read, and on motion of J. A. Collins, laid on the table to be the order of the day for to-morrow.

“WEDNESDAY, MAY 22.—As no reports from select committees were offered, on motion of A. Griffith, Conference proceeded to consider the order of the day, viz., the report No. 3 of the Committee on Episcopacy. It reads as follows :—

“The Committee on Episcopacy, to whom was referred a resolution, submitted yesterday, instructing them to inquire whether any one of the superintendents is connected with slavery, beg leave to present the following as their report on the subject :—

“The committee had ascertained, previous to the reference of the resolution, that Bishop Andrew is connected with slavery, and had obtained an interview with him on the subject ; and having requested him to state the whole facts in the premises, hereby present a written communication from him in relation to this matter, and beg leave to offer it as his statement and explanation of the case.

• *To the Committee on Episcopacy :—*

Dear Brethren.—In reply to your inquiry, I submit the following statement of all the facts bearing on my connexion with slavery. Several years since an old lady, of Augusta, Georgia, bequeathed to me a mulatto girl, in trust that I should take care of her until she should be nineteen years of age ; that *with her consent* I should then send her to Liberia ; and that in case of her refusal, I should keep her, and make her as free as the laws of the State of Georgia would permit. When the time arrived, she refused to go to Liberia, and of her own choice remains *legally* my slave, although I derive no pecuniary profit from her. She continues to live in her own house on my lot ; and has been, and is at present, at perfect liberty to go to a free State at her pleasure ; but the laws of the State will not permit her emancipation, nor admit such deed of emancipation to record, and she refuses to leave the State. In her case, therefore, I have been made a slaveholder legally, but not with my own consent.

• 2dly. About five years since, the mother of my former wife left to her daughter, *not to me*, a negro boy ; and as my wife died without a will more than two years since,

by the laws of the State he becomes legally my property. In this case, as in the former, emancipation is impracticable in the State ; but he shall be at liberty to leave the State whenever I shall be satisfied that he is prepared to provide for himself, or I can have sufficient security that he will be protected and provided for in the place to which he may go.

‘ 3dly. In the month of January last I married my present wife, she being at the time possessed of slaves, inherited from her former husband’s estate, and belonging to her. Shortly after my marriage, being unwilling to become their owner, regarding them as strictly hers, and the law not permitting their emancipation, I secured them to her by a deed of trust.

It will be obvious to you, from the above statement of facts, that I have neither bought nor sold a slave ; that in the only two instances in which I am legally a slaveholder, emancipation is impracticable. As to the servants owned by my wife, I have no legal responsibility in the premises, nor could my wife emancipate them if she desired to do so. I have thus plainly stated all the facts in the case, and submit the statement for the consideration of the General Conference. Yours respectfully,

‘ JAMES O. ANDREW.’

“ All which is respectfully submitted.

“ ‘ ROBERT PAINE, *Chairman.*’

“ A. Griffith and J. Davis offered the following preamble and resolution, which were read and debated :—

“ ‘ Whereas the Rev. James O. Andrew, one of the bishops of the Methodist Episcopal Church, has become connected with slavery, as communicated in his statement in his reply to the inquiry of the Committee on the Episcopacy, which reply is embodied in their report, No. 3, offered yesterday ; and whereas it has been, from the origin of said Church, a settled policy and the invariable usage to elect no person to the office of bishop who was embarrassed with this “ great evil,” as under such circumstances it would be impossible for a bishop to exercise the functions and perform the duties assigned to a general superintendent with acceptance, in that large portion of his charge in which slavery does not exist ; and whereas Bishop Andrew was himself nominated by our brethren of the slaveholding States, and elected by the General Conference of 1832, as a candidate, who, though living in the midst of a slaveholding population, was nevertheless free from all personal connexion with slavery ; and whereas this is, of all periods in our history as a Church, the one least favourable to such an innovation upon the practice and usage of Methodism as to confide a part of the itinerant general superintendency to a slaveholder ; therefore,

“ ‘ Resolved, That the Rev. James O. Andrew be, and he is hereby affectionately requested to resign his office as one of the bishops of the Methodist Episcopal Church.’

“ When brother Griffith, in favour of his resolution, had spoken as long as the rule allowed, a motion was made to permit him to proceed. G. Filmore offered as a substitute for this, that the rule which restricts a speaker to fifteen minutes, be suspended during the discussion of this subject. The substitute prevailed, by a vote of one hundred and three.

“ On motion of N. Bangs, it was resolved, that when we adjourn, it be to meet again this afternoon at half-past three o’clock, one hundred and four voting for it.

“ W Capers then moved, that we do now adjourn. Lost.

“ J. P. Durbin moved to reconsider the vote by which we resolved to meet this afternoon. This was lost.

“ The motion for adjournment was renewed and carried ; and Conference adjourned with prayer by brother Tippet.

“ WEDNESDAY AFTERNOON, MAY 22.—Conference met, pursuant to adjournment, at half-past three o’clock, Bishop Soule in the chair, and was opened with religious services by brother Fowler.

“ The chair called for reports from standing and select committees. None being offered, W. Cooper moved that the resolution under discussion this morning be postponed, and made the order of the day for to-morrow morning. Lost. The consideration was resumed, and several speakers were heard.

“ On motion of J. A. Collins, Conference adjourned with prayer by brother Bond.

“ THURSDAY MORNING, MAY 23.—Conference met at the regular hour, Bishop Hedding in the chair, and was opened with religious exercises by brother Robinson.

“ The journal of yesterday afternoon was read and approved.

“The chair called for reports from standing and select committees. None were presented.

“Conference resumed the consideration of the resolution under discussion yesterday, viz., the resolution offered by brothers Griffith and Davis on Wednesday.

“J. B. Finley offered a substitute for the resolution, in the following words, viz. :—

“Whereas the Discipline of our Church forbids the doing anything calculated to destroy our itinerant general superintendency, and whereas Bishop Andrew has become connected with slavery by marriage and otherwise, and this act having drawn after it circumstances which, in the estimation of the General Conference, will greatly embarrass the exercise of his office as an itinerant general superintendent, if not in some places entirely prevent it; therefore,

“Resolved, That it is the sense of this General Conference that he desist from the exercise of this office so long as this impediment remains.

“J. B. FINLEY,
J. M. TRIMBLE

“A discussion on the above substitute ensued, occupying the morning session. A few minutes before one o'clock, when W. D. Cass was speaking, it was resolved to continue the session five minutes after the regular time, for the purpose of hearing a statement which J. Early wished to make. When this was made, Conference adjourned with prayer by brother Steele.

“FRIDAY, MAY 24.—The order of the day, namely, the above-named substitute, (Finley's,) was resumed, and its discussion continued until one o'clock, when Conference adjourned with prayer by brother Ferguson.

“SATURDAY, MAY 25.—The order of the day, namely, the substitute of brothers Finley and Trimble, for the resolution offered by brothers Griffith and Davis, was resumed.

“During the discussion, J. P. Durbin asked leave of absence, on account of family affliction. The leave was granted.

“After the consideration of the substitute had been resumed, G. Baker moved that the vote by which the rule limiting a speaker to fifteen minutes had been suspended, be reconsidered. On motion of J. E. Evans, the proposal to reconsider was laid on the table. The discussion was continued until fifteen minutes before the hour of adjournment, when, on motion of L. M. Lee, Conference adjourned with prayer by brother Bush.

“MONDAY, MAY 27.—The whole session was occupied in discussing the substitute under consideration for some days past.

“TUESDAY MORNING, MAY 28.—Conference resumed the consideration of Finley's substitute. J. A. Collins, who was speaking at the adjournment yesterday, concluded his remarks, and was followed by E. W. Schon, W. Winans, and J. B. Finley. Bishop Andrew also addressed the Conference.

“At the request of T. Crowder, brother Finley gave way to permit him to offer the following resolution :—

“Resolved, That when this Conference adjourn, it adjourn to meet again at half-past three o'clock.

“The resolution prevailed. P. Cartwright obtained the floor, but the hour of adjournment having come, Conference adjourned with prayer by brother A. D. Peck.

“TUESDAY AFTERNOON, MAY 28.—The subject under consideration at the adjournment was resumed, and discussed by P. Cartwright and J. Stamper.

“When P. Cartwright had concluded his remarks, P. Crandall offered a resolution, that the discussion on this question close at half-past five o'clock this afternoon. J. A. Collins rose to a point of order, whether the resolution could be entertained, the Conference having no rule for the previous question. The chair decided that the resolution was not in order. From this decision J. B. Houghtaling appealed; and the decision of the chair was sustained by a vote of one hundred and three.

“S. Dunwoody obtained the floor, but gave way for a motion to adjourn, which was withdrawn to permit Bishop Soule to make a few remarks, asking leave of the Conference, before the final action, to make some remarks on the subject now under consideration. J. Early moved that Bishop Soule and all the other bishops be at liberty to address the Conference on the subject now under consideration, at any time after brother Dunwoody has concluded his remarks.

"Without taking the vote, on motion, Conference adjourned with the benediction by Bishop Waugh,

"WEDNESDAY MORNING, MAY 29.—Conference took up the resolution of J. Early, which was under discussion when Conference adjourned. A motion was made to lay the resolution on the table, which prevailed. J. S. Porter moved to reconsider the last vote. Carried. J. P. Durbin moved the previous question, which being sustained, the vote on the resolution before the Conference was taken, and the resolution was adopted.

"The Conference renewed the consideration of the substitute offered by J. B. Finley. S. Dunwody addressed the Conference, and was followed by Bishop Soule.

"N. Bangs moved, that when Conference adjourn, it adjourn to meet again at half-past three o'clock this afternoon. Carried.

"Bishop Soule having concluded his remarks, the Conference adjourned with the benediction by brother Dunwody."

I will hereafter read the remarks of Bishop Soule from the debates of the General Conference of 1844; but, before doing so, I beg your Honours to notice the dates of the proceedings which have been read, that you may see how long the discussion continued.

"WEDNESDAY AFTERNOON, MAY 29.—Conference resumed the consideration of the substitute of J. B. Finley. J. P. Durbin addressed the Conference, after some explanation by W. A. Smith, A. B. Longstreet, and others. W. Capers then obtained the floor, but gave way for a motion to adjourn, which being put was carried.

"THURSDAY, MAY 30.—The consideration of Finley's substitute was resumed, W. Capers having the floor, who addressed the Conference. When he had concluded, G. Peck obtained the floor, but yielded it to J. Hobart, who moved the previous question. J. P. Durbin moved, that on the vote whether the main question shall now be put, the ayes and noes be taken. The ayes and noes were ordered by a vote of one hundred and seventeen.

"The list was called, and ninety-eight answered in favour of putting the main question, and eighty against it.

"So the motion to take the main question was lost, not having a majority of two-thirds.

"At this moment Bishop Hedding suggested that the Conference have no afternoon session, and thus allow the bishops time to consult together, with a hope that they might be able to present a plan of adjusting our present difficulties. The suggestion was received with general and great cordiality; and, on motion, the discussion of the substitute under consideration was postponed until to-morrow morning.

"FRIDAY, MAY 31.—Bishop Waugh, in behalf of the bishops, presented the following communication, which was read by himself, and also by the Secretary:—

"*To the General Conference of the Methodist Episcopal Church.*

"*REV. AND DEAR BRETHREN,—*The undersigned respectfully and affectionately offer to your calm consideration the result of their consultation this afternoon in regard to the unpleasant and very delicate question which has been so long and so earnestly debated before your body. They have, with the liveliest interest, watched the progress of the discussion, and have awaited its termination with the deepest solicitude. As they have pored over this subject with anxious thought, by day and by night, they have been more and more impressed with the difficulties connected therewith, and the disastrous results which, in their apprehension, are the almost inevitable consequences of present action on the question now pending before you. To the undersigned it is fully apparent that a decision thereon, whether affirmatively or negatively, will most extensively disturb the peace and harmony of that widely-extended brotherhood which has so effectively operated for good in the United States of America and elsewhere during the last sixty years, in the development of a system of active energy, of which union has always been a main element. They have, with deep emotion, inquired, Can anything be done to avoid an evil so much deprecated by every friend of our common Methodism? Long and anxiously have they waited for a satisfactory answer to this inquiry, but they have paused in vain. At this pain-

ful crisis they have unanimously concurred in the propriety of recommending the postponement of further action in the case of Bishop Andrew until the ensuing General Conference. It **does** not enter into the design of the undersigned to argue the propriety of their recommendation; otherwise, strong and valid reasons might be adduced in its support. They cannot but think that if the embarrassment of Bishop Andrew should not cease before that time, the next General Conference, representing the pastors, ministers, and people of the several annual conferences, after all the facts in the case shall have passed in review before them, will be better qualified than the present General Conference can be to adjudicate the case wisely and discreetly. Until the cessation of the embarrassment, or the expiration of the interval between the present and the ensuing General Conference, the undersigned believe that such a division of the work of the general superintendency might be made, without any infraction of a constitutional principle, as would fully employ Bishop Andrew in those sections of the Church in which his presence and services would be welcome and cordial. If the course pursued on this occasion by the undersigned be deemed a novel one, they persuade themselves that their justification, in the view of all candid and peace-loving persons, will be found in their strong desire to prevent disunion, and to promote harmony in the Church.

... Very respectfully and affectionately submitted,

... JOSHUA SOULE,
ELIJAH HEDDING,
B. WAUGH,
T. A. MORRIS.

... *Thursday Afternoon, May 30, 1844.*

... J. A. Collins moved that the consideration of the communication just read be postponed until to-morrow morning, and that the communication itself be printed forthwith. A third reading was called for, and ordered by the Conference. I. Winner moved to amend the above resolution by striking out 'to-morrow morning,' and inserting 'four o'clock this afternoon.' This amendment, on motion of J. Stamper, was laid on the table. T. Stringfield called for a division of the resolution; and that part which relates to the printing was adopted. The other member of the resolution was also adopted.

... SATURDAY, JUNE 1.—At this juncture all the bishops on the platform addressed the Conference, in the following order:—

... BISHOP HEDDING said he wished to withdraw his name from the Address of the Bishops, presented yesterday. He had not been argued or persuaded into signing it, but had attached his name of his own free will and accord, because he thought it would be a peace measure; but facts had come to his knowledge since, which led him to believe that such would not be the case. Again: he thought it would be adopted without debate, but he was convinced now that it would give rise to much discussion, and therefore he wished to withdraw his name from the paper on the table.

... BISHOP WAUGH followed, and said he came into the measure, as his venerated and honoured colleague did, without persuasion or restraint. He considered it as the last resort to promote the future peace of the Church. He admitted he had not been very sanguine on the subject, and if it failed, he would not be disappointed. Still he did not desire to withdraw his name; he would regret if the communication should be the cause of lengthened debate, and in that case *might* feel called upon to withdraw his name from the document. At present he was content to let it remain.

... BISHOP MORRIS succeeded, and said he wished his name to stand on that paper, as a testimony that he had done what he could to preserve the unity and peace of the Church.

... BISHOP SOULE added, that his colleagues would certainly say, that they adopted the paper as freely as he did. He put his name to that document under the same circumstances as they did. He had not changed his views or convictions in any way. He wished his signature to *stand* to that document, which had now gone forth to the American people through a thousand mediums.

... N. Bangs moved to lay the Address on the table. J. Early moved that the question of laying it on the table be taken by ayes and noes. This prevailed. The vote was then taken, and ninety-five affirmative and eighty-four negative votes were given. So the Address of the Bishops was laid on the table.

"J. A. Collins moved to take up the substitute of J. B. Finley, which had been laid on the table by a vote some days ago. J. C. Evans moved the previous question on taking up the substitute. The call for the previous question was sustained by two-thirds voting affirmatively; and the substitute was taken up by another vote. J. T. Peck moved the previous question on the substitute, and the words, 'Shall the main question now be put?' applied to the substitute, according to the resolution establishing the previous question. A motion that the vote whether the main question now be taken shall be by yeas and nays, was lost by a vote of 128 to 47. The call for the previous question was sustained by the requisite majority, and the vote on the substitute being ordered, it was moved to take this vote by yeas and nays. The yeas and nays were ordered. The list by conferences was called, and the vote on the substitute was decided by 110 yeas, and 68 nays. So conference adopted the substitute of James B. Finley, which is in these words:—

" 'Whereas the Discipline of our Church forbids the doing anything calculated to destroy our itinerant general superintendency, and whereas Bishop Andrew has become connected with slavery by marriage and otherwise, and this act having drawn after it circumstances which, in the estimation of the General Conference, will greatly embarrass the exercise of his office as an itinerant general superintendent, if not in some places entirely prevent it; therefore,

" '*Resolved*, That it is the sense of this General Conference that he desist from the exercise of his office so long as this impediment remains.'

" During the call for yeas and nays, J. C. Clark asked to be excused from voting, as he was compelled, by the want of health in some members of his family, to remove from Texas. Conference by a vote declined excusing him."

If your Honours please, I beg leave here to read two resolutions which were offered in that Conference. I read from book of Proofs, No. 2, pp. 6, 7.

" *Mr. Drake's resolution proposed, but not acted on, in General Conference of 1844.*

" 'Whereas there have been found difficulties of a serious nature in the bishops of the Methodist Episcopal Church exercising a general superintendency; therefore,

" '*Resolved*, That the General Conference recommend the episcopacy to assign to each superintendent his sphere of labour for the next four years.'

" This proposition, not being in order, was offered as a suggestion, and no action was had on it.

" *Mr. Durbin's resolve not passed in that Conference.*

" '*Resolved*, That the case of Bishop Andrew be referred to the Church, and that the judgment of the next General Conference be deemed and taken to be the voice of the Church, whether Bishop Andrew shall continue to exercise his functions as a general superintendent in the Methodist Episcopal Church while he sustains the relation to slavery as stated in his communication to the Conference, as reported to the Conference by the Committee on Episcopacy.'"

I now return to the first of the Proofs, page 94.

" L. Pierce gave notice that a Protest would be presented by the minority on this vote, at as early a day as practicable; to be entered on the journals of the Conference.

" W. Winans moved that the Conference do now adjourn. This motion was carried. After prayer by brother Sovereign, conference adjourned until Monday morning, at half-past eight o'clock.

" MONDAY, JUNE 3.—The following resolutions were offered by H. Slicer and T. B. Sargent:—

" '1. *Resolved*, That it is the sense of this General Conference that the vote of Saturday last, in the case of Bishop Andrew, be understood as advisory only, and not in the light of a judicial mandate.

" '2. *Resolved*, That the final disposition of Bishop Andrew's case be postponed until the General Conference of 1848, in conformity with the suggestion of the bishops in their Address to the Conference on Friday, 31st May.

" 'H. SLICER,
T. B. SARGENT.

" 'June 3, 1844.'

"It was moved to lay these resolutions on the table for the present. On the question of laying them on the table, the yeas and nays were called for, and ordered.—Ayes 75. Noes 68.

"So the resolutions, for the present, are laid on the table."

I believe that they were never afterwards called up again, so that the Conference resolved not to put that construction upon its acts.

"Dr. Capers offered a series of resolutions, which were read, and lie on the table, under the rule. They are as follows:—

"Be it resolved by the delegates of all the annual conferences in General Conference assembled:

"That we recommend to the annual conferences to suspend the constitutional restrictions which limit the powers of the General Conference so far, and so far only, as to allow of the following alterations in the government of the Church, namely:—

"That the Methodist Episcopal Church in these United States and territories, and the republic of Texas, shall constitute two General Conferences, to meet quadrennially, the one at some place *south*, and the other *north* of the line which now divides between the States commonly designated as free States and those in which slavery exists.

"2. That each one of the two General Conferences thus constituted shall have full powers, under the limitations and restrictions which are now of force and binding on the General Conference, to make rules and regulations for the Church, within their territorial limits respectively, and to elect bishops for the same.

"3. That the two General Conferences aforesaid, shall have jurisdiction as follows:—The Southern General Conference shall comprehend the States of Virginia, Kentucky, and Missouri, and the States and Territories lying southerly thereto, and also the republic of Texas, to be known and designated by the title of the Southern General Conference of the Methodist Episcopal Church of the United States. And the Northern General Conference to comprehend all those States and Territories lying north of the States of Virginia, Kentucky, and Missouri, as above, to be known and designated by the title of the Northern General Conference of the Methodist Episcopal Church in the United States.

"4. And be it further resolved, That as soon as three-fourths of all the members of all the annual conferences voting on these resolutions, shall approve the same, the said Southern and Northern General Conferences shall be deemed as having been constituted by such approval; and it shall be competent for the Southern annual conferences to elect delegates to said Southern General Conference, to meet in the city of Nashville, Tenn., on the first of May, 1848; or sooner, if a majority of two-thirds of the members of the annual conferences composing that General Conference shall desire the same.

"5. And be it further resolved, as aforesaid, That the Book Concerns at New-York and Cincinnati shall be held and conducted as the property and for the benefit of all the annual conferences as heretofore—the editors and agents to be elected once in four years at the time of the session of the Northern General Conference, and the votes of the Southern General Conference to be cast by the delegates of that Conference attending the Northern for that purpose.

"6. And be it further resolved, That our Church organization for foreign missions shall be maintained and conducted jointly between the two General Conferences as one Church, in such manner as shall be agreed upon from time to time between the two great branches of the Church as represented in the said two Conferences.

"On motion of N. Bangs, the resolutions offered by W. Capers this morning were referred to a select committee of nine, who were instructed to report on them as soon as practicable."

It was in reference to these resolutions that the report was made by a committee of nine, which we call a "Plan of Separation."

MR. FANCHER.—The committee of nine to which those resolutions were referred, as is shown by the proceedings which have been read, did not make a report. That

committee could not agree. The Plan of Separation was reported by another committee of nine.

MR. LORD,—That is shown by the journal.

“WEDNESDAY, JUNE 5.—W. Capers returned certain resolutions to the Conference, on which a special committee was appointed, stating that the committee could not agree on a report which they judged would be acceptable to the Conference.—See *Journal of June 3*, p. 86.

“A. B. Longstreet, in behalf of the delegations from the Southern and South-Western conferences, presented the following declaration, which was read” :—

I beg your Honours to mark this. It is called a “Declaration.”

“The delegates of the conferences in the slave-holding States take leave to *declare* to the General Conference of the Methodist Episcopal Church, that the continued agitation of the subject of slavery and abolition in a portion of the Church; the frequent action on that subject in the General Conference; and especially the extra-judicial proceedings against Bishop Andrew, which resulted, on Saturday last, in the virtual suspension of him from his office as superintendent, must produce a state of things in the South, which renders a continuance of the jurisdiction of this General Conference over these conferences inconsistent with the success of the ministry in the slave-holding States.”

This was signed by fifty-two gentlemen from the Southern conferences, whose names may be found on pp. 97, 98.

“A motion was made by C. Elliott to refer this declaration to a committee of nine. This gave rise to some discussion; and the previous question was moved, and the call sustained. The select committee of nine was ordered, and the paper referred to them.

“J. B. M’Ferrin offered the following resolution :—

“Resolved, That the committee appointed to take into consideration the communication of the delegates from the Southern conferences be instructed, provided they cannot in their judgment devise a plan for an amicable adjustment of the difficulties now existing in the Church, on the subject of slavery, to devise, if possible, a constitutional plan for a mutual and friendly division of the Church.

“J. B. M’FERRIN,
TOBIAS SPICER.’

“T. Crowder’s motion to strike out the word ‘constitutional’ did not prevail, and the resolution was adopted.

“The chair announced the following brethren as the select COMMITTEE OF NINE,—Robert Paine, Glezen Filmore, Peter Akers, Nathan Bangs, Thomas Crowder, Thomas B. Sargent, William Winans, Leonidas L. Hamline, and James Porter.”

Of this committee, I may mention, five voted against Bishop Andrew and four for him. It was therefore a committee of a compromise character.

“THURSDAY, JUNE 6.—J. Early asked that H. B. Bascom have leave to read to the Conference the Protest that L. Pierce, on Saturday, gave notice would be presented by the Southern delegates. When the reading by Dr. Bascom was finished, the Chair decided that the Protest be entered upon the journal.

“Mr. Simpson offered the following resolution, which was adopted :—

“Resolved, That the Conference appoint brothers Olin, Durbin, and Hamline, a committee to prepare a statement of the facts connected with the proceedings in the case of Bishop Andrew; and that they have liberty to examine the Protest just presented by the Southern brethren.”

With the permission of your Honours, my venerable friend, Dr. Smith, will read the Protest to which these proceedings refer.

The Rev. Dr. Smith read it as follows :—

“ THE PROTEST.

“ *Protest of the Minority of the General Conference against the Action of that Body in the case of Bishop Andrew.*

“ In behalf of thirteen annual conferences of the Methodist Episcopal Church, and portions of the ministry and membership of several other conferences, embracing nearly five thousand ministers, travelling and local, and a membership of nearly five hundred thousand, constitutionally represented in this General Conference, we, the undersigned, a minority of the delegates of the several annual conferences in General Conference assembled, after mature reflection, impelled by convictions we cannot resist, and in conformity with the rights and usages of minorities, in the instance of deliberative assemblies and judicial tribunals, in similar circumstances of division and disagreement, *do most solemnly, and in due form, protest* against the recent act of a majority of this General Conference, in an attempt, as understood by the minority, to degrade and punish the Rev. James O. Andrew, one of the bishops of the Methodist Episcopal Church, by declaring it to be the sense or judgment of the General Conference that he desist from the exercise of his episcopal functions, without the exhibition of any alleged offence against the laws or discipline of the Church, without form of trial, or legal conviction of any kind, and in the absence of any charge of want of qualification or faithfulness in the performance of the duties pertaining to his office.

“ We *protest* against the act of the majority in the case of Bishop Andrew, as extra-judicial to all intents and purposes, being both without law and contrary to law. We *protest* against the act, because we recognise in this General Conference no right, power, or authority, ministerial, judicial, or administrative, to suspend or depose a bishop of the Methodist Episcopal Church, or otherwise subject him to any official disability whatever, without the formal presentation of a charge or charges, alleging that the bishop to be dealt with has been guilty of the violation of some law, or at least some disciplinary obligation of the Church, and also upon conviction of such charge, after due form of trial. We *protest* against the act in question as a violation of the fundamental law, usually known as the compromise law of the Church, on the subject of slavery—the only law which can be brought to bear upon the case of Bishop Andrew, and the assertion and maintenance of which, until it is constitutionally revoked, is guaranteed by the honour and good faith of this body, as the representative assembly of the thirty-three annual conferences known as contracting parties in the premises.

“ And we *protest* against the act further, as an attempt to establish a dangerous precedent, subversive of the union and stability of the Methodist Episcopal Church, and especially as placing in jeopardy the general superintendency of the Church, by subjecting any bishop of the Church at any time to the will and caprice of a majority of the General Conference, not only without law, but in defiance of the restraints and provisions of law. The undersigned, a minority of the General Conference, in *protesting*, as they do, against the late act of the majority, in the virtual suspension of Bishop Andrew, regard it as due to themselves and those they represent, as well as the character and interests of the Church at large, to declare, by solemn and formal avowal, that after a careful examination of the entire subject, in all its relations and bearings, they protest as above, for the reasons and upon the grounds following, viz.—1st. The proceeding against Bishop Andrew in this General Conference has been upon the assumption that he is connected with slavery—that he is the legal holder and owner of slave property. On the subject of slavery in the Methodist Episcopal Church, both as it regards the ministry and membership, we have special law, upon which the adjudication of all questions of slavery must, by intention of law, proceed. The case of Bishop Andrew, therefore, presents a simple question of law and fact, and the undersigned cannot consent that the force of circumstances, and other merely extrinsic considerations, shall be allowed to lead to any issue, except that indicated by the law and the facts in the case. In the late act of the majority, law, express law, is appealed from, and expediency in view of circumstances—relative propriety—assumed necessity, is substituted in its place as a rule of judgment. It is assumed, and the assumption acted upon, that expediency may have jurisdiction even in the presence of law—the law, too, being special, and covering the case in terms. In the absence of law, it might be competent for the General

Conference to act upon other grounds ; this is not disputed, nor yet that it would have been competent for the Conference to proceed upon the forms of law—but that the terms and conditions of a special enactment, having all the force of a common public charter, can be rightfully waved in practice, at the promptings of a fugitive, unsettled expediency, is a position the undersigned regard, not merely as erroneous, but as fraught with danger to the best interests of the Church.

“The law of the Church on slavery has always existed, since 1785, but especially since 1804, and in view of the adjustment of the whole subject in 1816, as a *virtual, though informal, contract of mutual concession and forbearance* between the North and the South, then, as now, known and existing as distinct parties, in relation to the vexed questions of slavery and abolition ;—those conferences found in States where slavery prevailed constituting the Southern party, and those in the non-slaveholding States, the Northern, exceptions to the rule being found in both. The rights of the legal owners of slaves, in all the slaveholding States, are guaranteed by the Constitution of the United States, and by the local constitutions of the States respectively, as the supreme law of the land, to which every minister and member of the Methodist Episcopal Church within the limits of the United States’ government professes subjection, and pledges himself to submit, as an article of Christian faith, in the common creed of the Church. Domestic slavery, therefore, wherever it exists in this country, is a civil regulation, existing under the highest sanctions of constitutional and municipal law known to the tribunals of the country ; and it has always been assumed at the South, and relied upon as correct, that the North, or non-slaveholding States, had no right, civil or moral, to interfere with relations and interests thus secured to the people of the South by all the graver forms of law and social order, and that it cannot be done without an abuse of the constitutional rights of citizenship. The people of the North, however, have claimed to think differently, and have uniformly acted toward the South in accordance with such opposition of opinion. Precisely in accordance, too, with this state of things, as it regards the general population of the North and South, respectively, the Methodist Episcopal Church has been divided in opinion and feeling on the subject of slavery and abolition, since its organization in 1784 : two separate and distinct parties have always existed. The Southern conferences, in agreeing to the main principles of the compromise law in 1804 and 1816, conceded, by express stipulation, their right to resist Northern interference in any form, upon the condition, pledged by the North, that while the *whole Church*, by common consent, united in proper effort for the mitigation and final removal of the evil of slavery, the North was not to interfere, by excluding from membership or ministerial office in the Church persons owning and holding slaves in States where emancipation is not practicable, and where the liberated slave is not permitted to enjoy freedom. Such was the compact of 1804 and 1816, finally agreed to by the parties after a long and fearful struggle, and such is the compact now—the proof being derived from history and the testimony of living witnesses. And is it possible to suppose that the original purpose and intended application of the law was not designed to embrace every member, minister, order, and officer of the Methodist Episcopal Church ? Is the idea of excepted cases allowable by fair construction of the law ? Do not the reasons and intendment of the law place it beyond doubt, that every conceivable case of alleged misconduct that can arise, connected with slavery or abolition, is to be subjected, by consent and contract of parties, to the jurisdiction of this great conservative arrangement ?

“Is there anything in the law or its reasons creating an exception in the instance of bishops ? Would the South have entered into the arrangement, or in any form consented to the law, had it been intimated by the North, that bishops must be an exception to the rule ! Are the virtuous dead of the North to be slandered by the supposition, that they intended to except bishops, and thus accomplished their purposes, in negotiation with the South, by a resort to deceptive and dishonourable means ? If bishops are not named, no more are presiding elders, agents, editors—or, indeed, any other officers of the Church, who are nevertheless included, although the same rule of construction would except them also. The enactment was for an entire people, east, west, north, and south. It was for the Church, and every member of it—for the common weal of the body—and is therefore universal and unrestricted in its application ; and no possible case can be settled upon any other principles, without a direct violation of this law both in fact and form.

The law being what we have assumed, any violation of it, whatever may be its form or mode, is as certainly a breach of good faith as an infringement of law. It must be seen, from the manner in which the compromise was effected, in the shape of a law, agreed to by equal contracting parties,—‘the several annual conferences,’—after a long and formal negotiation, that it was not a mere legislative enactment, a simple decree of a General Conference, but partakes of the nature of a grave compact, and is invested with all the sacredness and sanctions of a solemn treaty, binding respectively the well-known parties to its terms and stipulations. If this be so—and with the evidence accessible who can doubt it?—if this be so, will it prove a light matter for this General Conference to violate or disregard the obligation of this *legal compromise*, in the shape of public recognised law? Allow that the present parties in this controversy cannot be brought to view the subject of the law in question in the same light, can such a matter end in a mere difference of opinion as it respects the immediate parties? The law exists in the Discipline of the Church—the law is known, and its reasons are known, as equally binding upon both parties; and what is the likelihood of the imputation of bad faith under the circumstances? What the hazard, that such imputation, as the decision of public opinion, it may be from a thousand tribunals, will be brought to bear, with all the light and force of conviction, upon any act of this body, in violation of the plain provisions of long-established law, originating in treaty, and based upon the principles of *conventional compromise*?

“In proportion to our love of truth, of law, and order, are we not called upon to pause and weigh well the hazard, before, as a General Conference, we incur it beyond change or remedy? The undersigned have long looked to the great *conservative law* of the Discipline on the subject of slavery and abolition, as the only charter of *connexional union* between the North and the South; and whenever this bond of connexion is rendered null and void, no matter in what form, or by what means, they are compelled to regard the Church, to every practical purpose, as already divided without the intervention of any other agency. By how far, therefore, they look upon the union of the Methodist Episcopal Church as essential to its prosperity, and the glory and success of American Methodism, by so far they are bound to *protest* against the late act of the General Conference in the irregular suspension of Bishop Andrew, as not only without law, but in direct contravention of legal stipulations known to be essential to the unity of the Church. And they are thus explicit in a statement of facts, that the responsibility of division may attach where in justice it belongs. The minority making this Protest, are perfectly satisfied with the law of the Church affecting slavery and abolition. They ask no change. They need—they seek no indulgence in behalf of the South. Had Bishop Andrew been suspended according to law, after due form of trial, they would have submitted without remonstrance, as the friends of law and order.

“*They except and protest, further*, against the lawless procedure, as they think, in the case of Bishop Andrew, because, apart from the injustice done him and the South, by the act, other and graver difficulties, necessarily incidental to this movement, come in for a share of attention. The whole subject is, in the very nature of things, resolved into a single original question: Will the General Conference adhere to, and in good faith assert and maintain, the compromise law of the Church on the vexed question dividing us—or will it be found expedient generally, as in the case of Bishop Andrew, to lay it aside, and tread it under foot? No question on the subject of slavery and abolition can be settled until the General Conference shall settle *this* beyond the possibility of evasion. In the present crisis, it is the opinion of the undersigned, that every bishop of the Methodist Episcopal Church, and every member of this General Conference, is especially called upon by all the responsibilities of truth and honour to declare himself upon the subject; and they deem it proper, respectfully and urgently, to make such call a part of this Protest. When so much depends upon it, can the General Conference, as the organ of the supreme authority of the Church, remain silent without incurring the charge of trifling both with its interests and reputation? Law always pledges the public faith of the body ostensibly governed by it to the faithful assertion and performance of its stipulations; and the compromise law of the Discipline, partaking, as it does, of the nature of the law of treaty, and embracing, as has been seen, all possible cases, pledges the good faith of every minister and member of the Methodist Episcopal Church, against saying or doing anything tending to annul the force or thwart the

purposes of its enactment. The only allowable remedy of those who object to the law, is to seek a constitutional change of the law ; and in failure, to submit, or else retire from the Church. All attempts to resist, evade, or defeat the objects and intended application of the law, until duly revoked, must be regarded as unjust and revolutionary, because an invasion of well-defined conventional right. And the undersigned except to the course of the majority in the informal prosecution of Bishop Andrew, and the anomalous quasi suspension it inflicts, as not only giving to the compromise a construction rendering it entirely ineffective, but as being directly subversive of the great bond of union which has held the North and South together for the last forty years. Turning to the confederating annual conferences of 1804, and the vexed and protracted negotiations which preceded the General Conference of that year, and finally resulted in the existing law of the Discipline, regulating the whole subject, and glancing at nearly half a million of Methodists, now in the South, who have come into the Church with all their hopes and fears, interests and associations, their property, character, and influence, reposing in safety upon the publicly-pledged faith of the Methodist Episcopal Church, only to be told that this is all a dream, that a part of what was pledged was never intended to be allowed ; and that the whole is at all times subject to the discretion of a dominant majority, claiming, in matter of right, to be without and above law, competent not merely to make all rules and regulations for the proper government of the Church, but to govern the Church without rule or regulation, and punish and degrade without even the alleged infringement of law, or the form of trial, if it be thought expedient, presents a state of things filling the undersigned with alarm and dismay. Such views and facts, without adducing others, will, perhaps, be sufficient to show the first and principal ground occupied by the minority in the Protest. They cannot resist the conviction that the majority have failed to redeem the pledge of public law given to the Church and the world by the Methodist Episcopal Church.

"2. The undersigned are aware that it is affirmed by some of the majority, but meanwhile denied by others, and thus a mooted, unsettled question among themselves, that the resolution censuring and virtually suspending Bishop Andrew, as understood by the minority, is mere matter of advice or recommendation ; but so far from advising or recommending anything, the language of the resolution, by fair and necessary construction, is imperative and mandatory in form, and, unqualified by anything in the resolution itself, or in the preamble explaining it, conveys the idea plainly and most explicitly, that it is the judgment and will of the Conference that Bishop Andrew shall cease to exercise the office of bishop until he shall cease to be the owner of slaves. '*Resolved*, That it is the sense of this conference that he desist.' That is, having rendered himself unacceptable to the majority, it is their judgment that he retire from the bench of bishops and their field of action.

"No idea of request, advice, or recommendation, is conveyed by the language of the preamble or resolution, and the recent avowal of an intention to advise is, in the judgment of the undersigned, disowned by the very terms in which, it is said, the *advice* was given. The whole argument of the majority, during a debate of twelve days, turned upon the right of the Conference to displace Bishop Andrew without resort to formal trial. No one questioned the legal right of the Conference to advise ; and if this only was intended, why the protracted debate upon the subject ? But further : a resolution respectfully and affectionately requesting the bishop to resign had been laid aside, to entertain the substitute under notice ; a motion, too, to declare the resolution advisory was promptly rejected by the majority ; and in view of all these facts, and the *entire* proceedings of the majority in the case, the undersigned have been compelled to consider the resolution as a mandatory judgment, to the effect that Bishop Andrew desist from the exercise of his episcopal functions. If the majority have been misunderstood, the language of their own resolution, and the position they occupied in debate, have led to the misconception ; and truth and honour, not less than a most unfortunate use of language, require that they explain themselves.

"3. We except to the act of the majority, because it is assumed that conscience and principle are involved, and require the act complained of, as expedient and necessary under the circumstances. Bishop Andrew being protected by the law of the Church, having cognizance of all offences connected with slavery, such connexion in his case, in the judgment of all jurisprudence, can only be wrong in the proportion that the law is bad and defective. It is not conceived by the minority how

conscience and principle can be brought to bear upon Bishop Andrew, and not upon the *law* and the *Church* having such law. They are obliged to believe that the law and the source from which it emanates must become the object of exception and censure before Bishop Andrew, who has not offended against either, unless the Church is against the law, can be subjected to trial, at the bar of the conscience and principles of men who profess subjection and approval, in the instance both of the law and the Church.

"The undersigned can never consent, while we have a plain law, obviously covering an assumed offence, that the offence shall be taken, under plea of principle, out of the hands of the law, and be resubjected to the conflicting opinions and passions which originally led to a resort to law, as the only safe standard of judgment. They do not understand how conscience and principle can attach grave blame to action not disapproved by the law—express law too, made and provided in the case—without extending condemnation to the law itself, and the body from which it proceeds. The Church can hardly be supposed to have settled policy and invariable custom, in contravention of law; the avowal of such custom and policy, therefore, excluding from the episcopacy any and every man, in any way connected with slavery, is mere *assumption*. No contract, agreement, decree, or purpose of this kind, is of record, or ever existed. No such exaction, in terms or by implication, was ever made by the North, or conceded by the South. No conventional understanding ever existed to this effect, so far as the South is concerned, or has been informed. That it has long, perhaps always, been the purpose of the North, not to elect a slaveholder to the office of bishop, is admitted. But as no law gave countenance to anything of the kind, the South regarded it as a mere matter of social injustice, and was not disposed to complain. The North has always found its security in numbers, and the untrammelled right of suffrage, and to this the South has not objected. The assumption, however, is entirely different, and is not admitted by the South, but is plainly negatived by the law and language of the Discipline, as explained by authority of the General Conference.

"No such concession, beyond peaceable submission to the right of suffrage, exercised by the majority, will ever be submitted to by the South, as it would amount to denial of equal abstract right, and a disfranchisement of the Southern ministry, and could not be submitted to without injury and degradation. If, then, the North is not satisfied with the negative right conceded to the South by law in this matter, the minority would be glad to know what *principle* or *policy* is likely to introduce beyond the existing provisions of law. As the contingency which has occasioned the difficulty in the case of Bishop Andrew, and to which every Southern minister is liable at any time, does not, and cannot fall under the *condemnation* of existing law, and he cannot be punished, nor yet subjected to any official disability, without an abuse of both right and power, on the part of this General Conference, the minority are compelled to think that the majority ought to be satisfied with the consciousness and declaration, that they are in no way responsible for the contingency, and thus, at least, allow Bishop Andrew the benefit of their own legislation, until they see proper to change it. This attempt by the majority to protect a lawless prosecution from merited rebuke, by an appeal to conscience and principle, condemning Bishop Andrew, while the law and the Church, shielding him from the assault, are not objected to, is looked upon by the minority as a species of moral, we will not say legal, casuistry, utterly subversive of all the principles of order and good government.

"4. The act of the majority was ostensibly resorted to, because, as alleged, the Church in the Middle and Northern conferences will not submit to any, the slightest connexion with slavery. But if connexion with slavery is ruinous to the Church in the North, that ruin is already wrought. Who does not know that the very Discipline, laws, and legislation of the Church necessarily connect us all with slavery? All our provisional legislation on the subject has proceeded on the assumption that slavery is an element of society—a principle of action—a household reality in the Methodist Episcopal Church in the United States. It is part and parcel of the economy of American Methodism, in every subjective sense. It has given birth to law and right, conventional arrangements, numerous missions, and official trusts. Every bishop, every minister, every member of the Church is of necessity connected with slavery. Each is brother and co-member, both with slave and master, by the very laws and organization of the Church.

"It, then, connexion with slavery is so disastrous, the only remedy is to purify

the Church by reorganization, or get out of it as soon as possible. And would not this aversion to slavery—would not conscience and principle, so much plead in this controversy—appear much more consistent in every view of the subject, in striking at the root of the evil, in the organic structure of the Church, than in seeking its personification in Bishop Andrew, protected although he be by the law, and proceeding to punish him, by way of calling off attention from the known toleration of the same thing, in other aspects and relations?

“Impelled by conscience and principle to the illegal arrest of a bishop, because he has incidentally, by bequest, inheritance, and marriage, come into possession of slave property, in no instance intending to possess himself of such property, how long will conscience and principle leave other ministers, or even lay members, undisturbed, who may happen to be in the same category with Bishop Andrew? Will assurances be given that the lawlessness of expediency, controlled, as in such case it must be, by prejudice and passion, will extend no further—that there shall be no further curtailment of right as it regards the Southern ministry? Yet what is the security of the South in the case? Is the public faith of this body, as instanced in the recent violations of the compromise law, to be relied upon as the guarantee for the redemption of the pledge? What would such pledge or assurance be but to remind the South that any departure at all from the great conservative pledge of law, to which we appeal, was much more effectually guarded against originally, than it is possible to guard against any subsequent infringement, and to make the South feel further that disappointment in the first instance must compel distrust with regard to the future? The Church having specific law on the subject, all questions involving slavery must inevitably, by intention of law, come within the purview of such special provision, and cannot be judged of by any other law or standard, without a most daring departure from all the rules and sobrieties of judicial procedure, and the undersigned accordingly except to the action of the majority in relation to Bishop Andrew, as not only without sanction of law, but in conflict with rights created by law.

“5. As the Methodist Episcopal Church is now organized, and according to its organization since 1784, the episcopacy is a co-ordinate branch, the executive department proper of the government. A bishop of the Methodist Episcopal Church is not a mere creature—is in no prominent sense an officer of the General Conference. The General Conference, as such, cannot constitute a bishop. It is true the annual conferences select the bishops of the Church, by the suffrage of their delegates, in General Conference assembled; but the General Conference, in its capacity of a representative body or any other in which it exists, does not possess the power of ordination, without which a bishop cannot be constituted.

“The bishops are beyond a doubt an integral constituent part of the General Conference, made such by law and the constitution; and because elected by the General Conference, it does not follow that they are subject to the will of that body, except in conformity with legal right and the provisions of law, in the premises. In this sense, and so viewed, they are subject to the General Conference, and this is sufficient limitation of their power, unless the government itself is to be considered irregular and unbalanced in the co-ordinate relations of its parts. In a sense by no means unimportant the General Conference is as much the creature of the episcopacy, as the bishops are the creatures of the General Conference. Constitutionally the bishops alone have the right to fix the time of holding the annual conferences, and should they refuse or neglect to do so, no annual conference could meet, according to law, and, by consequence, no delegates could be chosen, and no General Conference could be chosen, or even exist. And because this is so, what would be thought of the impertinent pretension, should the episcopacy claim that the General Conference is the mere creature of their will? As *executive officers* as well as *pastoral overseers*, the bishops belong to the Church as such, and not to the General Conference as one of its councils or organs of action merely.

“The General Conference is in no sense the Church, not even representatively. It is merely the representative organ of the Church, with limited powers to do its business, in the discharge of a delegated trust.

“Because bishops are in part constituted by the General Conference, the power of removal does not follow. Episcopacy even in the Methodist Church is not a mere appointment to labour. It is an official consecrated station, under the protection of law, and can only be dangerous as the law is bad, or the Church corrupt. The power to appoint does not necessarily involve the power to remove; and when the appoint-

ing power is derivative, as in the case of the General Conference, the power of removal does not accrue at all, unless by consent of the co-ordinate branches of the government, expressed by law, made and provided in the case. When the legislature of a State, to appeal to analogy for illustration, appoints a judge or senator in congress, does the judge or senator thereby become the officer or creature of the legislature, or is he the officer or senatorial representative of the State, of which the legislature is the mere organ? And does the power of removal follow that of appointment? The answer is negative, in both cases, and applies equally to the bishops of the Methodist Episcopal Church, who, instead of being the officers and creatures of the General Conference, are *de facto* the officers and servants of the Church, chosen by the General Conference, as its organ of action, and no right of removal accrues, except as they fail to accomplish the *aims* of the Church in their appointment, and then only in accordance with the provisions of law. But when a bishop is suspended, or informed that it is the wish or will of the General Conference that he cease to perform the functions of bishop, for doing what the law of the same body allows him to do, and of course without incurring the hazard of punishment, or even blame, then the whole procedure becomes an outrage upon justice, as well as law.

"The assumption of power by the General Conference beyond the warrant of law, to which we object, and against which we protest, will lead, if carried into practice, to a direct violation of one of the restrictive rules of the constitution. Suppose it had been the 'sense' of this General Conference, when the late communication from the bishops was respectfully submitted to the Conference, that such communication was an interference with their rights and duties—an attempt to tamper with the purity and independence, and therefore an outrage upon the claims and dignity of the Conference not to be borne with. And proceeding a step further, suppose it had been the 'sense' of the Conference that they *all* desist from performing the functions of bishops until the 'impediment' of such offence had been removed—assume this, (and, so far as mere law is concerned, no law being violated in either case, it was just as likely as the movement against Bishop Andrew,) and had it taken place, what had become of the general superintendency? If a bishop of the Methodist Episcopal Church may, without law, and at the instance of mere party expediency, be suspended from the exercise of the appropriate functions of his office, for one act, he may for another. Admit this doctrine, and by what tenure do the bishops hold office? One thing is certain, whatever other tenure there may be, they do not hold office *according to law*.

"The provisions of law and the faithful performance of duty, upon this theory of official tenure, afford no security. Admit this claim of absolutism, as regards right and powers on the part of the General Conference, and the bishops of the Methodist Episcopal Church are slaves, and the men constituting this body their masters and holders. They are in office only at the discretion of a majority of the General Conference, without the restraints or protection of law. Both the law and themselves are liable and likely at any time to be overborne and trampled upon together, as exemplified in the case of Bishop Andrew. If the doctrine against which we protest be admitted, the episcopal office is, at best, but a quadrennial term of service, and the undersigned are compelled to think that a man who would *remain* a bishop, or allow himself to be *made one*, under such circumstances, 'desires a good work,' and is prepared for *self-sacrifice*, quite beyond the comprehension of ordinary piety.

"As it regards Bishop Andrew, if it shall be made to appear that the action in his case was intended only to *advise* and *request* him to desist from his office, it does not in any way affect the real or relative character of the movement. When a body claiming the right to compel, asks the resignation of an officer, the request is to all official and moral purposes *compulsory*, as it loads the officer with disability, and gives notice of assumed unworthiness, if not criminality. The request has all the force of a mandate, inasmuch as the officer is by such request compelled either to resign or remain in office contrary to the known will of the majority. A simple request, therefore, under the circumstances supposed, carries with it all the force of a decree, and is so understood, it is believed, by all the world.

"To request Bishop Andrew to resign, therefore, in view of all the facts and relations of the case, was, in the judgment of the minority, to punish and degrade him; and they maintain that the whole movement was without authority of law, is hence of necessity null and void, and therefore not binding upon Bishop Andrew, or the minority protesting against it.

"6. We protest against the act of the majority, instructing Bishop Andrew to desist from the exercise of his office, not merely on account of the injustice and evil connecting with the act itself, but because the act must be understood as the exponent of principles and purposes, as it regards the union of the North and South in the Methodist Episcopal Church, well-nigh destroying all hope of its perpetuity. The true position of the parties in relation to a long-existing conventional arrangement, on the subject of slavery and abolition, has been fully under notice; and when men of years and wisdom, experience and learning—men of no common weight of character, and with a well-earned aristocracy of Church influence thrown about them, assume and declare, in action as well as debate, that what a plain law of the Church—the only law applicable in the case—sustained and enforced, too, by an explanatory decree of this body, at a previous session—*decides* shall *not* be a disqualification for office, in any grade in the ministry,—when such men, the law and decision of the General Conference notwithstanding, are heard declaring that what law provides for and protects nevertheless *always has been* and *always shall be* a disqualification, what further evidence is wanting to show that the *compromise basis of union*, from which the South has never swerved, has been abandoned both by the Northern and Middle Conferences, with a few exceptions in the latter, and that principles and purposes are entertained by the majority, driving the South to extreme action, in defence both of their rights and reputation? And how far the long train of eventful sequences, attendant upon the threatened result of division, may be traceable to the Northern and Middle Conferences, by the issue thus provoked, is a question to be settled not by us, but by our contemporaries and posterity.

"It is matter of history, with regard to the past, and will not be questioned, that now, as formerly, the South is upon the basis of the Discipline, on the subject of slavery. The minority believe it equally certain that this is not true with regard to the North proper especially. In view, then, of the unity of the Methodist Episcopal Church, which party has been, in equity, entitled to the sympathy and protection of the Middle and *umpire* conferences?—those who through good and evil report have kept good faith and adhered to law, or those whose opinions and purposes have led them to seek a state of things in advance of law, and thus dishonour its forms and sanctions?

"7. In proportion as the minority appreciate and cling to the unity of the Methodist Episcopal Church, they are bound, further, to except to the position of the majority, in this controversy. Allow that Bishop Andrew, without however any infringement of law, is, on account of his connexion with slavery, unacceptable in the Northern conferences. It is equally known to the majority that any bishop of the Church, either violating, or submitting to a violation of the compromise charter of union between the North and the South, without proper and public remonstrance, cannot be acceptable in the South, and need not appear there. By pressing the issue in question, therefore, the majority virtually dissolve the government of the Methodist Episcopal Church, because in every constitutional aspect it is sundered by so crippling a co-ordinate branch of it as to destroy the itinerant general superintendency altogether. Whenever it is clearly ascertained that the compromise law of the Church, regulating slavery and abolition, is abandoned, every bishop, each of the venerable and excellent men who now adorn the Church and its councils, *ceases* to be a general superintendent: the law of union, the principle of *gravitation*, binding us together, is dissolved, and the general superintendency of the Methodist Episcopal Church is no more!

"8. The South have not been led thus to protest merely because of the treatment received by Bishop Andrew, or the kindred action of this body in other matters. The abandonment of the compromise—the official refusal by the majority, as we have understood them, to abide the arbitrament of law—is their principal ground of complaint and remonstrance. If the minority have not entirely misunderstood the majority, the abolition and anti-slavery principles of the North will no longer allow them to submit to the law of the Discipline on the general subject of slavery and abolition; and if this be so, if the compromise law be either repealed or allowed to remain a dead letter, *the South cannot submit, and the absolute necessity of division is already dated*. And should the exigent circumstances in which the minority find themselves placed, by the facts and developments alluded to in this remonstrance, render it finally necessary that the Southern conferences should have a *separate, independent* existence, it is hoped that the character and services of the minority, together with the numbers and claims of the ministry and membership of the portion

of the Church represented by them, not less than similar reasons and considerations on the part of the Northern and Middle conferences, will suggest the high moral fitness of meeting this great emergency with strong and steady purpose to do justice to all concerned. And it is believed that, approaching the subject in this way, it will be found practicable to devise and adopt such measures and arrangements, present and prospective, as will secure an amicable division of the Church upon the broad principles of right and equity, and destined to result in the common good of the great body of ministers and members found on either side *the line of separation*."

MR. WOOD.—There was a reply to that Protest, which I suppose is properly our evidence, but I think there is great propriety in having them read together; and the court will then have the whole ecclesiastical argument before it.

MR. LORD.—I will agree to that; but there is a short letter which was presented to the Conference from Dr. Bascom, which I will read first in this connexion.

JUDGE NELSON.—I think the counsel on the part of the plaintiffs had better go on, without mixing up the case on the other side with that on which he means to rely.

MR. LORD.—This would not be so mixing it up, may it please your Honours. This paper will tend to show how things then stood at that Conference, and perhaps it is just that it should now be read—it certainly will be convenient—that your Honours may see the feeling which prevailed on both sides before the separation was effected.

JUDGE NELSON.—We do not object.

MR. LORD.—If your Honours please, I will first read Dr. Bascom's letter :—

“*Rev. Bishops Soule, Hedding, Waugh, and Morris :*

“MY DEAR BRETHREN,—That part of the *Protest*, presented to the General Conference yesterday, which relates to the bishops of the Methodist Episcopal Church maintaining the *compromise law* of the Discipline, on the subject of *slavery and abolition*, was intended as the *declaration of a principle*, to which it is the purpose of the South to adhere; but was not intended to convey the idea, that any member of the *existing bench of bishops* was in any way delinquent with regard to the law of the Church in question. If any such impression has been made, in any quarter, it is deeply regretted. It is the opinion of the writers and signers of the *Protest* alluded to, that the bishops addressed in this communication have, at different times, and in different forms, sufficiently *declared* themselves on the subject under notice; and so far from intending to impugn the bishops in any way, the minority signing the *Protest* are ready at all times to endorse the purity and impartiality with which they have maintained and enforced the law and doctrine of the Church, on the subject of slavery and abolition.

“In behalf of the Southern delegations signing the *Protest*, very truly and respectfully,

H. B. BASCOM.

“*New-York, June 7, 1844.*”

THE REV. DR. PECK then read the following, at the request of Mr. Fancher :—

“REPLY TO THE PROTEST.

“*Report of the Committee appointed to prepare a Statement of the Facts connected with the Proceedings in the Case of Bishop Andrew.*

“The committee appointed to prepare a statement of the facts in the case of Bishop Andrew, and to examine the *Protest* of the minority, regret that the circumstances under which they have been compelled to act have prevented their preparing so complete a report as the importance of the subject demands. The *Protest* was not placed under their command until Friday afternoon, and immediately afterward two of the original committee had to withdraw, one of them being ill, and the other

having been elected bishop ; nor were their places supplied until Saturday evening. It is under these disadvantages, and amid the pressure of important Conference business, that they have been required to prepare a document in relation to some of the most important questions that have ever engaged the attention of the Church. It is believed, however, that the following statement of *law* and *facts* will be a sufficient notice of the Protest which has been referred to them.

"As the proceedings of the General Conference in the case of Bishop Andrew were not judicial, its decision has gone forth to the public unaccompanied by the reasons and facts upon which this action was founded. This deficiency is but partially supplied by the published reports of the debate on the subject. The speakers who advocated the resolution were restrained by a praiseworthy delicacy from all avoidable allusions which might give pain to the respected individual concerned, or awaken unpleasant emotions in any quarter. It is but natural that, under these circumstances, some misunderstanding should prevail as to the merits of the case. The following statement, it is believed, contains nothing, at least so far as facts are concerned, which will not be cheerfully confirmed by all parties, and will throw light upon the true position of the authors of the Protest.

"From the first institution of the episcopacy of the Methodist Episcopal Church, no slaveholder has been elected to that dignity, though, in several instances, candidates, otherwise eminently fitted for the station, have failed of success solely on account of this impediment. Since the period referred to, nine bishops have been elected, who were natives of the United States. Of these only three have been Northern men, while six were natives of slaveholding States. Not one, however, was a slaveholder ; a remarkable fact, which shows very clearly, that while much more than their just claim has been conceded to the slaveholding portions of the Church, a decided and uniform repugnance has, from the first, been felt and manifested to the occupancy of that high office by a slaveholder.

"It is known and acknowledged by all Southern brethren, that Bishop Andrew was nominated by the delegates from the South Carolina and Georgia Conferences, as a Southern candidate for whom Northern men might vote, without doing violence to their principles, as he was no slaveholder. Bishop Andrew himself perfectly understood the ground of his election, and often said that he was indebted to his poverty for his promotion. Since the year 1832, the anti-slavery sentiment in the Church, as well as in the whole civilized world, has constantly and rapidly gained ground ; and within the last year or two it has been roused to a special and most earnest opposition to the introduction of a slaveholder into the episcopal office—an event which many were led to fear, by certain intimations published in the Southern Christian Advocate, the Richmond Christian Advocate, and perhaps some other Methodist periodicals. This opposition produced the profoundest anxiety through most of the non-slaveholding conferences. The subject was discussed everywhere, and the dreaded event universally deprecated as the most fearful calamity that ever threatened the Church. Many conferences instructed their delegates to use all possible means to avert such an evil. Other conferences, and many thousand laymen, sent up petitions and memorials to the same effect to the present General Conference. Such was the state of sentiment and of apprehension in the Northern portion of the Church, when the delegates to the General Conference learned, on reaching this city, that Bishop Andrew had become a slaveholder. The profound grief, the utter dismay, which was produced by this astounding intelligence, can be fully appreciated only by those who have participated in the distressing scenes which have since been enacted in the General Conference.

"When the first emotions of surprise and sorrow had so far subsided as to allow of sober thought and inquiry, it was ascertained that Bishop Andrew had been a slaveholder for several years. Soon after his election to the episcopacy, a lady of Augusta bequeathed him a female slave, on condition that she should be sent to Liberia at nineteen years of age, if her consent to emigrate could be obtained—otherwise she was to be made as free as the laws of Georgia would permit. She refused to emigrate, has since married, and is now enjoying all the privileges provided for in the will of her former mistress :—she is, and must be, a slave—she and her children—and liable to all that may befall slaves. Another slave Bishop Andrew has inherited from the mother of his former wife, and by his recent marriage he has become the owner of (it was said on the floor of the General Conference) fourteen or fifteen more. These belonged to Mrs. Andrew in her own right before

her marriage. That act, according to the laws of Georgia, made them the property of Bishop Andrew, to keep or dispose of as he pleased. He conveyed them to a trustee, for the joint use of himself and wife, of whom the survivor is to be the sole owner. This conveyance was made for the security of Mrs. Andrew, and with no view either to satisfy or to mislead the opinions of the Northern Church. So much, at least, Bishop Andrew was understood to say to the Conference. His known integrity forbids the suspicion that he would attempt to disguise the real character of the transaction; and the fact that the earnings of the slaves, as well as the reversionary title to them, are his, demonstrates that this arrangement was not made with any view to satisfy the well-known sentiments of the Church against a slaveholding bishop. It is manifest from this statement, which is believed to be strictly correct, that Bishop Andrew's connexion with slavery is not, as the Protest intimates, merely an "assumption," but that he is the owner of slaves, in the full and proper sense of that term. His title was acquired by bequest, by inheritance, and by marriage, which are by far the most common grounds of ownership in slaves. All the usual and necessary conditions of slavery have their fulfilment in the relation of these persons to Bishop Andrew. Their labour and their earnings are subject to his control, and inure to his benefit and that of his family. They are now liable, or they may be hereafter, to be sold; they and their offspring are doomed, as the case now stands, to a bondage that is perpetual, and they are liable and likely to descend to his heirs. Beyond all reasonable doubt, the condition of Bishop Andrew's slaves will be attended, while he lives, with all the alleviations—and these are many and great—which a very benevolent and Christian master can provide. Still it must be slavery. In the view of the law of the land, and of the law of the Discipline, in all its more weighty and permanent consequences to the bondman, it is and must be slavery. It was said repeatedly on the floor of the Conference, that the deed of trust had put it quite beyond Bishop Andrew's power to free his slaves, even if there were no other obstacle. So then, should the stringent laws of Georgia against emancipation be relaxed or repealed by her next legislature, the rule of the Discipline, which would then become imperative on Bishop Andrew, could not, and would not, be satisfied, and the Church must still have a slaveholding bishop, in spite, not only of its known will, but of its standing laws.

"It was the almost unanimous opinion of the delegates from the non-slaveholding conferences that Bishop Andrew could not continue to exercise his episcopal functions under existing circumstances, without producing results extensively disastrous to the Church in the North; and from this opinion the brethren of the South did not dissent. For a while the hope was entertained that the difficulty would be quietly removed by his resigning his office, which it was known he had previously desired to do. But this hope was dissipated by the intelligence that the delegates from the conferences in the slaveholding States had been convened, and that they had unanimously advised him not to resign. Various efforts were then made in private to devise some method to relieve the case, but they all proved abortive, and nothing remained but that it must come before the General Conference. The bishops themselves, in their united Address to the Conference, had urged it to ascertain whether there has been any departure from the essential principles 'of the general itinerant superintendency,' and had declared of that superintendency that 'the plan of its operation is general, embracing the whole work in connexional order, and not diocesan or sectional.' Consequently any division of the work into districts, or otherwise, so as to create a particular charge, with any other view, or in any order, than as a prudential measure to secure to all the conferences the annual visits of the superintendents, would be an innovation on the system—that '*our superintendency must be itinerant, and not local*.'—that 'it was wisely provided in the system of Methodism, from its very foundation, that it should be the duty of superintendents *to travel through the Connexion at large*.' The question then presented itself, how the case of Bishop Andrew could be so disposed of as to preserve this itinerant general superintendency? If the General Conference had even been disposed to evade it, the consideration of it was forced upon them by the episcopal Address itself.

"A diversity of sentiment existed as to the proper method of treating the case.

"Some, at least, believed—perhaps few doubted—that sufficient ground existed for impeachment on a charge of 'improper conduct' under the express provisions of the Discipline. The opinion was certainly entertained in several quarters that it was 'improper' for the shepherd and bishop of eleven hundred thousand souls, either

deliberately or heedlessly, to place himself in direct and irreconcilable conflict with the known and cherished moral sentiments of a large majority of his vast flock. Such, however, was the prevalence of moderate counsels, that no proposal was made either to impeach or punish, and such the controlling influence of forbearance and kindness, that it is believed not one word was uttered during the entire debate of nearly a fortnight derogatory to the character, or justly offensive to the feelings of Bishop Andrew. The transaction which had brought such distress upon the Church, and threatened such extensive ruin, was dealt with merely as a fact—as a practical difficulty—for the removal or palliation of which it was the duty of the General Conference to provide. It was in this spirit, and for such ends, that the following preamble and resolution were passed :—

“ ‘Whereas, the Discipline of our Church forbids the doing anything calculated to destroy our itinerant general superintendency, and whereas Bishop Andrew has become connected with slavery by marriage and otherwise, and this act having drawn after it circumstances which in the estimation of the General Conference will greatly embarrass the exercise of his office as an itinerant general superintendent, if not in some places entirely prevent it ; therefore,

“ ‘Resolved, That it is the sense of this General Conference that he desist from the exercise of this office so long as this impediment remains.

“ ‘J. B. FINLEY,
J. M. TRIMBLE.’

“The action of the General Conference was neither judicial nor punitive. It neither achieves nor intends a deposition, nor so much as a legal suspension. Bishop Andrew is still a bishop ; and should he, against the expressed sense of the General Conference, proceed in the discharge of his functions, his official acts would be valid.

“Such are the facts in the case of Bishop Andrew. We now proceed to notice the law. Nearly all the objections raised in the Protest against the action of the General Conference may be reduced to two, viz. :—that that body has violated the *constitutional* and the *statutory* law of the Church. That it has violated the constitutional law the Protest attempts to prove by representing its late action as a breach of what it calls ‘the compromise law of the Church on the subject of slavery ;’ meaning, as is supposed, the section on slavery, particularly that paragraph which relates to travelling preachers. The entire language on this subject is evidently formed so as to make the impression on any reader not intimately acquainted with the history and Discipline of the Methodist Episcopal Church, that there has been some period (whether 1804 or 1816 does not clearly appear from the Protest) when the question of slavery was settled in the Methodist Episcopal Church as it was in the General Government at the adoption of the federal constitution,—that ‘the confederating annual conferences,’ ‘after a vexed and protracted negotiation,’ met in convention, and the section on slavery ‘was finally agreed to by the parties, after a long and fearful struggle,’ as ‘a compact,’ ‘a treaty,’ which cannot be altered by the General Conference until certain constitutional restrictions are removed. So that now any interference on the part of that body with the question of slavery in the Southern Conferences is as unconstitutional as it is admitted would be the interference of the General Government with the question in the Southern States.

“After the boldness with which this doctrine is advanced, and the confidence with which it is relied upon as ‘the first and principal ground occupied by the minority in this Protest,’ it will be difficult for the uninitiated to believe, that it is as unfounded in fact as it is ingenious in its ‘legal casuistry.’ It is indeed true, that the question of slavery had been long and anxiously agitated in the Church, and the various General Conferences had endeavoured to adjust the matter so as to promote the greatest good of all parties ; but this very fact goes to disprove the position assumed in the Protest : for as the attention of the Church had been thus strongly called to the subject, if it had been the intention to guard the question of slavery by constitutional provisions, it would have been done when the Church actually did meet to frame a constitution. But nothing of the kind appears. For when, in 1808, it was resolved that the General Conference, instead of consisting, as before, of all the travelling elders, should be a delegated body, and when it was determined that that body (unlike the General Government, which had no powers but such as are expressly conferred) should have all powers but such as are expressly taken away,—

when this vast authority was about to be given to the General Conference, among the limitations and restrictions imposed, *there is not one word on the subject of slavery; nor was any attempt made to introduce any such restriction.* The only provision anywhere established by that General Conference of constitutional force, was the general rule forbidding the buying and selling of human beings with an intention to enslave them. So that, in direct opposition to the assertion of the Protest, we maintain that the section on slavery is 'a mere legislative enactment, a simple decree of a General Conference,' as much under its control as any other portion of the Discipline not covered by the restrictive rules. If additional proof of the truth of this position were needed it might be adduced in the fact that that section which the Protest represents to have been settled in 1804, was not only altered at the General Conference or convention of 1808, but also at the delegated General Conferences of 1812, 1816, 1820, and 1824. And although the Protest speaks of it as '*usually known*' by the name of 'the compromise act,' the greater part of this General Conference have never heard either that appellation or that character ascribed to it until the present occasion.

"But although this General Conference cannot admit that any portion of the section on slavery is constitutional in its character, and therefore could not under any circumstances allow the imputation of the Protest that they have violated the constitution of the Church, yet they do admit that it is *law*—law too which the General Conference (though possessing full powers in the premises) has never altered except at the above periods, and then, in each instance, for the further indulgence of the South. The question then comes up, whether this General Conference, as the Protest maintains, has in effect suddenly reversed the legislation of the Church, not indeed by altering the law, but by practically disregarding it. The portion of the law particularly in question is the following paragraph:—

"When any travelling preacher becomes an owner of a slave or slaves, by any means, he shall forfeit his ministerial character in our Church, unless he execute, if it be practicable, a legal emancipation of such slaves, conformably to the laws of the State in which he lives."

"This it is alleged fully covers the case of Bishop Andrew, and therefore he ought to have been left in the quiet and unquestionable enjoyment of his rights. Were it even true, that proceedings, either judicial or 'extra-judicial,' have been had in his case, we should not hesitate to join issue here, and maintain that this law does not protect him. The Protest asks, 'Is there anything in the law or its reasons creating an exception in the instance of bishops?' We answer, There is in both. So far as judicial proceedings are concerned, the Discipline divides the Church into four classes—private members, local preachers, travelling preachers, and bishops; and establishes distinct tribunals, and different degrees of responsibility for each. The section on slavery applies only to officers of the Church, and therefore private members are not named at all, but special provision is made in the case of local and travelling preachers. How happens it that bishops are not named at all? Are they necessarily included in the title 'travelling preachers?' In common parlance they may sometimes be thus designated, but in the Discipline it is not so understood, even in regard to matters much less important than this, in evidence of which we need only advert to the fact, that the General Conference of 1836 did not consider that the allowance of bishops was provided for under the general title of 'travelling preachers,' and they therefore inserted them accordingly. To explain why no mention is made of 'bishops,' it is not necessary, as the Protest supposes, 'to slander the virtuous dead of the North,' as if they excluded them intentionally 'by a resort to deceptive and dishonourable means.' It is a much more natural and reasonable explanation, that at that day, when the Church could hardly tolerate slavery in any class of the ministry, 'the virtuous dead' both of the North and of the South did not dream that it would ever find its way into the episcopacy.

"But though the *language* of the law does not include bishops, yet if the reason and spirit of it did, we might be disposed to allow them the benefit of it. But this is not the case. The whole tenor of the Discipline of the Methodist Episcopal Church is adverse to slavery. Even the Protest has admitted (irreconcilable as the admission is with another portion of the same instrument) that, at the time of the alleged 'compact,' 'the whole Church by common consent united in proper effort for the mitigation and final removal of the evil of slavery.' But let the Discipline speak for itself. The mildest form in which the question at the head of the

section on slavery has ever been expressed, is the present, namely, 'What shall be done for the *extirpation* of the evil of slavery?' And the very Conference of 1804, which enacted the so-called 'compromise law,' as well as that of 1800, when the paragraph relating to travelling preachers was really adopted, were each convened under a request from the preceding General Conference, that the whole Church would aid that body in obtaining 'full light in order to take further steps toward the *eradicating this enormous evil* from that part of the Church of God to which they are united.' It is obvious, therefore, that connexion with slavery is tolerated no further than seems necessary. In the case of ordinary travelling preachers, there appeared to be a necessity for some indulgence. They might become owners of slaves in the providence of God; the laws of the States might not allow emancipation; and they had no power to choose their own place of residence. But no such 'reason' could apply to a bishop, for he has always been allowed to live where he pleases. Again: travelling preachers encumbered with slaves labour among people similarly situated, and who would, not, therefore, be likely to object to them on that account. But a bishop, by the *constitution* of the Church, is required to labour in every part of the Connexion; and in by far the larger portion of it the services of a slaveholding bishop would not be acceptable. So here again the 'reason' of the case does not apply to a bishop. There is not, therefore, as the Protest so roundly asserts, any 'express' or 'specific law' in the case; and therefore, as the Protest itself admits, 'in the absence of law it might be competent for the General Conference to act on other grounds.' With the failure to prove any 'specific law' authorizing a bishop to hold slave property, the third and fourth arguments of the Protest, which are founded on this assumption, fail also.

"But, perhaps, it is not so much the law of the Discipline which the Protest claims to cover Bishop Andrew, as the law of the land. For it declares, 'The rights of the legal owners of slaves in all the slaveholding States are guaranteed by the Constitution of the United States, and by the local constitutions of the States respectively, as the supreme law of the land, to which every minister and member of the Methodist Episcopal Church, within the limits of the United States government, professes subjection, and pledges himself to submit as an article of the Christian faith, in the common creed of the Church.' If by this is meant that the law of the land *allows* citizens to hold slaves, it is admitted. But so also it allows them to keep theatres and grog-shops, so that this is no ground of argument. But if it mean that the law of the land *requires* citizens to keep slaves, (the only interpretation which can make the argument available,) it is denied. And until it can be shown that the Methodist Episcopal Church by its action, legislative, judicial, or executive, requires any citizen to do what the law of the land requires him not to do, it is unjust to attempt to get up popular clamor against it, as if it came in conflict with the civil authority.

"This course of reasoning has been pursued thus far, not so much because it was deemed necessary for the vindication of the Conference, as to avoid sanctioning, by silence, the erroneous exposition which the Protest presents of the constitution and the law of the Church. For it has been already seen that Bishop Andrew has been subjected to no trial, and no penalty has been inflicted. At present, it is plain that the Conference has done nothing to depose, or even suspend Bishop Andrew. His name will appear in official publications with those of the other bishops, and with them he will derive his support from the funds of the Church. In order to make out that the General Conference had no right to take such action as they have in Bishop Andrew's case, the authors of the Protest have been driven to the necessity of claiming for the Methodist episcopacy powers and prerogatives never advanced before, except by those who wished to make it odious, and which have always been repudiated by its chosen champions. The Protest maintains that 'the episcopacy is a co-ordinate branch of the government;' for which no argument is adduced save this—that it is, in general, the province of bishops to ordain bishops. A sufficient answer to which may be found in the principle of Methodist polity, stated in the Address of the Bishops to the present General Conference, that orders (the principle applies to bishops, though not expressly named, as well as to elders and deacons) are 'conferred' by the election, and only 'confirmed' by the ordination; and that when the election has been made, the bishop 'has no discretionary authority; but is under *obligation* to ordain the person elected, whatever may be his own judgment of his qualifications.' And if all the bishops should refuse to ordain the person elected by the General Conference, that body would unquestionably have the right to appoint

any three elders to ordain him, as is provided 'in case there be no bishop remaining in our Church.' The Protest declares, that 'the bishops are, beyond doubt, an integral, constituent part of the General Conference, made such by law and the constitution. If the words 'General Conference' be not a mere clerical error, the assertion is sufficiently refuted by the answer in the Discipline to the question, 'Who shall compose the General Conference?' and by the practice of the bishops themselves, who disclaim a right to give even a casting vote, or even to speak in General Conference, except by permission. The Protest maintains that, 'in a sense by no means unimportant, the General Conference is as much the *creature* of the episcopacy, as the bishops are the creatures of the General Conference.' The proof adduced for which is, that 'constitutionally the bishops alone have the right to fix the time of holding the annual conferences; and should they refuse, or neglect to do so, no annual conference could meet according to law; and, by consequence, no delegates could be chosen, and no General Conference could be chosen, or even exist.' That is to say, because, for the convenience of the bishops in performing their tour, they are allowed to say *at what time in the year* an annual conference shall meet, therefore they have the power to prevent such body from meeting at all, though, from its very name, it must meet once a year!—that, by preventing the meeting of annual conferences, they might prevent the organization of any General Conference; and thus, escaping all accountability for their delinquencies, might continue to lord it over God's heritage, until themselves and the Church should die a natural death. We can easily perceive, were this reasoning legitimate, that the bishops might *destroy*, not only the General Conference, but the Church; but are at a loss to discover how it proves that they can *create* either. We must protest against having any argument of ours adduced as analogous to this.

"The Protest maintains that 'the General Conference has no right, power, or authority, ministerial, judicial, or administrative,' in any way to subject a bishop 'to any official disability whatever, without the formal presentation of a charge or charges, alleging that the bishop to be dealt with has been guilty of the violation of some law, or at least some disciplinary obligation of the Church, and also upon conviction of such charge, after due form of trial.' To those who are not familiar with the Methodist economy, this might seem plausible. But it is, in reality, an attempt to except, from the action of a general system, those who, least of all, ought to be excepted. The cardinal feature of our polity is the itinerancy.

"To sustain this system, it is essential that the classes should receive the leaders that are appointed by the preacher, that the societies should receive the preachers that are stationed over them by the bishops, that the annual conferences should receive the bishops that are sent to them by the General Conference. Unless, therefore, the utmost care be taken by those who have authority in the premises, that these parties shall severally be acceptable to those among whom they labour, there is great danger that those who are injured by such neglect may seek redress by revolutionary measures. For this reason the officers of the Methodist Church are subjected regularly to an examination unknown, it is believed, among other denominations. Not only is provision made for formal trials, in cases of crimes and misdemeanors, but there is a special arrangement for the correction of other obstructions to official usefulness. At every annual conference the character of every travelling preacher is examined; at every General Conference that of every bishop. And the object is to ascertain not merely whether there is ground for the formal presentation of charges, with a view to a regular trial; but whether there is any objection—anything that might interfere with the acceptance of the officer in question among his charge. And it is doctrine novel and dangerous in the Methodist Church, that such difficulties cannot be corrected, unless the person objected to be formally arraigned under some specific law, to be found in the concise code of the Discipline—doctrine not the less dangerous, because it is applied where 'objections,' unimportant in others, might be productive of the most disastrous consequences. Will the Methodist Church sanction the doctrine, that while all its other officers, of whatever name or degree, are subjected to a sleepless supervision,—are counselled, admonished, or changed, as necessity may require, and as the Discipline directs,—a bishop, who decides all questions of law in annual conferences; who, of his mere motion and will, controls the work and the destiny of four thousand ministers; who appoints and changes at pleasure the spiritual guides of four millions of souls—that the depository of these vast powers, whose slightest indiscretions or omissions are likely to disturb

the harmony and even impair the efficiency of our mighty system of operations, enjoys a virtual impunity for all delinquencies or misdoings not strictly criminal?

"It is believed that an attempt to establish such an episcopal supremacy would fill not only a part, but the whole of the Church 'with alarm and dismay.' But this doctrine is not more at variance with the genius of Methodism than it is with the express language of the Discipline, and the exposition of it by all our standard writers. The constitution of the Church provides that 'the General Conference shall have full powers to make rules and regulations for our Church,' under six 'limitations and restrictions,' among which the only one relating to the episcopacy is this: 'They shall not change or alter any part, or rule of our government, so as to do away episcopacy, or destroy the plan of our itinerant general superintendency.' As there is nothing in the restrictive rules to limit the full powers of the General Conference in the premises, so is there nothing in the special provision respecting the responsibility of a bishop. In reply to the question, 'To whom is a bishop amenable for his conduct?' the Discipline declares, 'To the General Conference, who have power to expel him for improper conduct, if they see it necessary.' And this, be it remembered, is all that is said respecting the jurisdiction over a bishop, with the exception of a rule for his trial, in the interval of a General Conference, if he be guilty of immorality. In full accordance with the plain meaning of these provisions is the language of all the standard writers on Methodist polity.

"Bishop Emory—a man of whom it is no injustice to the living or the dead to say, that he was a chief ornament and light of our episcopacy; that he brought to the investigation of all ecclesiastical subjects a cool, sagacious, powerful, practical intellect—fully sustains the positions we have assumed in behalf of the powers of the General Conference over the bishops of our Church. He gives an unqualified assent to the following passages from the notes to the Discipline, prepared by Bishops Asbury and Coke, at the request of the General Conference: 'They (our bishops) are entirely dependent on the General Conference: 'their power, their usefulness, themselves, are entirely at the mercy of the General Conference.'

"Dr. Emory also quotes some passages from a pamphlet, by the Rev. John Dickens, which, he says, was published by the unanimous request of the Philadelphia Conference, and may be considered as expressing the views both of that conference and of Bishop Asbury, his intimate friend. Mr. Dickens affirms, that the bishops derive their power from the election of the General Conference, and not from their ordination; and that the Conference has, on that ground, power to remove Bishop Asbury, and appoint another, 'if they see it necessary.' He affirms that Bishop Asbury 'derived his official power from the Conference, and therefore his office is at their disposal;—Mr. Asbury was 'responsible to the General Conference, who had power to remove him, if they saw it necessary; 'he is liable every year to be removed.'

"The above quotations show very clearly the sentiments of Asbury, and Coke, and Dickens on this question—men chiefly instrumental in laying the foundations of our polity.

"Equally clear and satisfactory is the testimony of another venerable bishop, who still lives, in the full exercise of his mental powers and benignant influence, to guide and bless the Church,—'The superintendents now have no power in the Church above that of elders, except what is connected with presiding in the Conference, fixing the appointments of the preachers, and ordaining:—'They are the servants of the elders, and go out and execute their commands:—'The General Conference may expel a bishop not only for immoral, but for "improper conduct," which means a small offence below a crime; for which not even a child or a slave can be expelled but after repeated admonitions:—'The travelling preachers gave the bishop his power, they continue it in his hands, and they can reduce, limit, or transfer it to other hands, whenever they see cause.' Such is the language of Bishop Hedding, who only concurs in the moderate, truly Methodistic views of Bishops Asbury, Coke, and Emory.

"It is believed that this statement of the facts and the law in the case, will afford a satisfactory answer to all the positions and reasonings of the Protest; and, after having thus presented it, the majority are perfectly willing to abide 'the decision of our contemporaries, and of posterity.' They cannot, however, close these remarks, without expressing their regret that the minority, not content with protesting against the action of the General Conference, as 'lawless,' as 'without law, and contrary to law,' as such 'a violation of the compromise law' that 'the public faith of this body

can no longer be relied upon as the guarantee for the redemption of the pledge, 'that there shall be no further curtailment of right as regards *the Southern ministry*,'—that, not content with thus harshly assailing the proceedings of the General Conference, they have even refused to the bishops, whom they have invested with such exalted prerogatives, the quiet possession of their thoughts and feelings, but have thrown out the significant intimation, 'that any bishop of the Church, either violating, or submitting to the violation of the compromise charter of union between the North and South, without proper and public remonstrance, cannot be acceptable in the South, and *need not appear there*.' We shall be slow to believe, that even their constituents will justify them in thus virtually deposing, not one bishop only, but several, by a process which is even worse than 'extra-judicial.'

"When all the law, and the facts in the case, shall have been spread before an impartial community, the majority have no doubt that they *will fix* '*the responsibility of division*,' should such an unhappy event take place, 'where in justice *it belongs*.' They will ask, Who first introduced slavery into the episcopacy? And the answer will be, *Not the General Conference*. Who opposed the attempt to withdraw it from the episcopacy? *Not the General Conference*. Who resisted the measure of peace that was proposed—the mildest that the case allowed? *Not the majority*. Who first sounded the knell of division, and declared that it would be impossible longer to remain under the jurisdiction of the Methodist Episcopal Church? *Not the majority*.

"The proposition for a peaceful separation, (if any must take place,) with which the Protest closes, though strangely at variance with much that precedes, has already been met by the General Conference. And the readiness with which that body (by a vote which would doubtless have been unanimous but for the belief which some entertained of the unconstitutionality of the measure) granted all that the Southern brethren themselves could ask, in such an event, must forever stand as a practical refutation of any assertion that the minority have been subjected to the tyranny of a majority.

"Finally, we cannot but hope that the minority, after reviewing the entire action of the Conference, will find that, both in their Declaration and their Protest, they have taken too strong a view of the case; and that, by presenting it in its true light before their people, they may be able to check any feelings of discord that may have arisen, so that the Methodist Episcopal Church may still continue as one body, engaged in its proper work of 'spreading Scriptural holiness over these lands.'

"J. P. DURBIN, *Chairman*.

GEO. PECK,

CHAS. ELLIOTT."

MR. LORD.—I will now give your Honours the dates of these papers, as they may be worthy of noting:—

The "Declaration," your Honours will find to have been put in on the 5th of June, 1844. The date of the passage of Mr. Finley's resolution was the 1st of June. The committee of nine to consider a plan of separation, was appointed on the 5th of June. The Protest was brought in on the 6th of June, and the Reply on the 10th of the same month. I propose also to give the date of some other papers that I shall presently read. The election of two bishops—Bishops Hamline and Janes—took place on the 7th of June.—Page 128 of Journal of the General Conference of 1844.

I will now proceed to read from page 123 of the first of the Proofs:—

"THURSDAY, JUNE 6.—Bishop Soule presented the following communication:—

"*To the General Conference.*

"REV. AND DEAR BRETHREN,—As the case of Bishop Andrew unavoidably involves the future *action* of the superintendents, which, in their judgment, in the present position of the bishop, they have no discretion to decide upon; they respectfully request of this General Conference *official* instruction, in answer to the following questions:—

"1. Shall Bishop Andrew's name remain as it now stands in the Minutes, Hymn Book, and Discipline, or shall it be struck off of these official records?

“ ‘2. How shall the bishop obtain his support? As provided for in the form of Discipline, or in some other way?

“ ‘3. What work, if any, may the bishop perform; and how shall he be appointed to the work?

“ ‘ JOSHUA SOULE,
ELIJAH HEDDING,
BEVERLY WAUGH,
THOMAS A. MORRIS.’

“ J. T. Mitchell offered the following resolutions, in reply to the several inquiries of the superintendents :—

“ ‘1. *Resolved*, as the sense of this Conference, that Bishop Andrew’s name stand in the Minutes, Hymn Book, and Discipline, as formerly.

“ ‘2. *Resolved*, That the rule in relation to the support of a bishop and his family, applies to Bishop Andrew.

“ ‘3. *Resolved*, That whether in any, and if any, in what work, Bishop Andrew be-employed, is to be determined by his own decision and action in relation to the previous action of this Conference in his case.’

“ D. B. Randall offered an amendment, which was laid on the table.

“ The yeas and nays were ordered. During the call, J. G. Dow, F. G. Hibbard, and G. Smith, asked to be excused from voting. Conference refused to excuse them.

“ The *first* resolution was adopted—ayes 155, noes 17.

“ A motion to adjourn was made and lost.

“ The *second* resolution was read, and the yeas and nays were ordered. During the call E. Robinson objected to being compelled to vote. A motion was made to excuse him, but was lost. F. G. Hibbard and J. Spaulding asked to be excused from voting. Conference refused to excuse them.

“ The resolution was adopted—yeas 152, nays 14.

“ A motion to adjourn was made and lost.

“ The *third* resolution was read. J. T. Peck offered a substitute, which, on motion of J. S. Porter, was laid on the table. H. Slicer offered a substitute, which, on motion of T. Crowder, was laid on the table. J. A. Collins offered a substitute, which, on motion of J. T. Peck, was laid on the table. T. Crowder moved the previous question, which prevailed. The yeas and nays were ordered, and the vote taken.

“ D. B. Randall, who voted in the negative, asked and obtained leave to change his vote, not having understood the question; being sick and obliged to be absent during a part of the discussion. He then voted in the affirmative.

“ The resolution was adopted—ayes 103, noes 67.”

On Monday, June the 10th, the two newly-elected bishops were ordained. I will read a few passages from the journal of the Conference, under that date :—pp. 138–9.

“ On motion of J. Early, the order of business was suspended, the hour for ordaining the bishops elect having arrived.

“ Brothers Hamline and Janes, the bishops elect, were invited to chairs in front of the altar, the former sitting between brothers Pickering and Filmore, and the latter between brothers L. Pierce and Capers.

“ The Collect and Epistle were read by Bishop Waugh, the Gospel by Bishop Morris, and the questions and prayers by Bishops Soule and Hedding.

“ Brother Hamline was presented by brothers Pickering and Filmore, and brother Janes by brothers Pierce and Capers.

“ The imposition of hands was by the four bishops, Soule, Hedding, Waugh, and Morris.

“ Thus Leonidas Lent Hamline and Edmund Storer Janes were solemnly ordained superintendents or bishops of the Methodist Episcopal Church.”

I again return to the first of the Proofs, (p. 125,) and ask your Honours’ attention to the phraseology. The report, it will be seen, was made on the “ Declaration :”—

“ SATURDAY, JUNE 8.—On motion of R. Paine, the special order of the day was

dispensed with, and the report of the select committee of nine, on the declaration of fifty-one brethren, from the Southern conferences, was taken up. The report was read again.

"C. Elliott moved the adoption of the report of the committee of nine. The *first* resolution was read. The rule was suspended to allow P. Cartwright to extend his remarks. On the first resolution the previous question was moved, and the call was sustained. The yeas and nays were ordered and taken. Ayes, 147; noes, 22.

"On motion of R. Paine, the vote by yeas and nays was reconsidered. On further motion, the resolution was amended, by striking out the words, 'delegates from the,' and inserting 'annual.' The discussion was resumed on the amended resolution."

If your Honours will turn to p. 128, you will see how it was amended. The resolutions are there printed as they were amended. After the figure it originally read: "Should the delegates from the conferences," &c. They struck out "the delegates from" and inserted "annual." "The delegates" could only mean those who were then present. That becomes a very material fact in respect to one of the claims set up in this matter. It was originally proposed that if the delegates then present should find it necessary to unite in a distinct ecclesiastical connexion, the rule there set forth should be observed; but, on the motion of Mr. Paine, one of the Southern delegates, it was determined that, instead of it being left to them, it should be left to the annual conferences.

MR. FANCHER,—It was not on the motion of Mr. Paine.

MR. LORD,—On the motion of Mr. Paine the vote was reconsidered; and in the same connexion it is stated, "on further motion, the resolution was amended," &c., and therefore I supposed it to be Mr. Paine's motion.

MR. FANCHER,—The record does not show whose motion it was.

MR. LORD continued :—

"On motion, it was resolved to meet again at half-past three o'clock this afternoon.

"The previous question was moved on the amended resolution, and the call was sustained, and the resolution adopted by one hundred and thirty-five affirmative to eighteen negative votes.

"On the second resolution, J. T. Mitchell moved to amend, by inserting, 'and private members.' The amendment was laid on the table."

By turning to p. 129, your Honours will see how that reads. If the amendment had been adopted, it would have stood thus :—

"2 That ministers, local and travelling, of every grade and office in the Methodist Episcopal Church, "*and private members*," may, as they prefer, remain in that Church, or, without blame, attach themselves to the Church, South."

"On motion of J. A. Collins, the session was prolonged fifteen minutes.

"The second resolution was adopted by one hundred and thirty-nine affirmative to seventeen negative votes.

"A motion to adjourn was lost.

"The yeas and nays were ordered on the third resolution.

"The previous question was moved, and the call sustained.

"The session was further prolonged until the call of the roll was completed, and the vote finished.

"The third resolution was adopted by one hundred and forty-seven yeas to twelve nays.

"Adjourned with the benediction by brother Pickering.

"SATURDAY AFTERNOON, JUNE 8.—Conference met at half-past three o'clock, pursuant to adjournment, Bishop Morris in the chair, and was opened with religious exercises by brother Simpson.

"The journal of the morning was read and approved.

"On motion of M. Simpson, G. Peck and C. Elliott were put in place of S. Olin and L. L. Hamline, on the select committee of three to prepare a statement of the action of this Conference in the case of Bishop Andrew.

"On motion, the special order of business, on which Conference adjourned this morning, was resumed.

"The *fourth* resolution of the report of the select committee of nine was adopted.

"On the *fifth* resolution the yeas and nays were ordered. It was adopted by one hundred and fifty-three yeas to thirteen nays.

"The *sixth*, *seventh*, *eighth*, and *ninth* resolutions were adopted.

"To the *tenth* resolution D. B. Randall moved an amendment which was adopted, and is incorporated with the resolution.

"The *eleventh* and *twelfth* resolutions were adopted. On motion, the order of the eleventh and twelfth resolutions was inverted, so as to make the latter stand first.

"The preamble of the report was adopted.

"The blank in the *seventh* resolution was filled up with "three;" and N. Bangs, G. Peck, and G. Filmore, were appointed commissioners under the seventh resolution. G. Filmore tendered his resignation, which was accepted, and J. B. Finley appointed in his place.

"On motion of W. Winans, the Secretary was requested to prepare and furnish to J. Early a copy of the "Declaration" so often referred to, and of the report just adopted.

"B. M. Drake offered a resolution, which, on motion, was laid on the table."

That was one of the resolutions which I read from one book.

"J. Porter moved a reconsideration of the first resolution, with a view of offering a substitute. The motion to reconsider was laid on the table.

"The report as a whole was adopted. It is as follows:—

"The select committee of nine, to consider and report on the Declaration of the delegates from the conferences of the slaveholding States, beg leave to submit the following report:—

"Whereas a Declaration has been presented to this General Conference, with the signatures of *fifty-one* delegates of the body, from thirteen annual conferences in the slaveholding States, representing that, for various reasons enumerated, the objects and purposes of the Christian ministry and Church organization cannot be successfully accomplished by them under the jurisdiction of this General Conference as now constituted; and

"Whereas, in the event of a separation, a contingency to which the Declaration asks attention as not improbable, we esteem it the duty of this General Conference to meet the emergency with Christian kindness and the strictest equity; therefore,

"Resolved, by the delegates of the several annual conferences in General Conference assembled,

"1. That, should the annual conferences in the slaveholding States find it necessary to unite in a distinct ecclesiastical connexion, the following rule shall be observed with regard to the northern boundary of such connexion:—All the societies, stations, and conferences adhering to the Church in the South, by a vote of a majority of the members of said societies, stations, and conferences, shall remain under the unmolested pastoral care of the Southern Church; and the ministers of the Methodist Episcopal Church shall in no wise attempt to organize Churches or societies within the limits of the Church South, nor shall they attempt to exercise any pastoral oversight therein; it being understood that the ministry of the South reciprocally observe the same rule in relation to stations, societies, and conferences adhering, by a vote of a majority, to the Methodist Episcopal Church; provided, also, that this rule shall apply only to societies, stations, and conferences bordering on the line of division, and not to interior charges, which shall in all cases be left to the care of that Church within whose territory they are situated.

"2. That ministers local and travelling, of every grade and office in the Methodist Episcopal Church, may, as they prefer, remain in that Church, or, without blame, attach themselves to the Church, South.

" '3. *Resolved*, by the delegates of all the annual conferences in General Conference assembled, That we recommend to all the annual conferences, at their first approaching sessions, to authorize a change of the sixth restrictive article, so that the first clause shall read thus :—"They shall not appropriate the produce of the Book Concern, nor of the Chartered Fund, to any other purpose other than for the benefit of the travelling, supernumerary, superannuated, and worn-out preachers, their wives, widows, and children, and to such other purposes as may be determined upon by the votes of two-thirds of the members of the General Conference."

" '4. That whenever the annual conferences, by a vote of three-fourths of all their members voting on the third resolution, shall have concurred in the recommendation to alter the sixth restrictive article, the agents at New-York and Cincinnati shall, and they are hereby authorized and directed to deliver over to any authorized agent or appointee of the Church, South, should one be organized, all notes and book accounts against the ministers, Church members, or citizens within its boundaries, with authority to collect the same for the sole use of the Southern Church ; and that said agents also convey to the aforesaid agent or appointee of the South, all the real estate, and assign to him all the property, including presses, stock, and all right and interest connected with the printing establishments at Charleston, Richmond, and Nashville, which now belong to the Methodist Episcopal Church.

" '5. That when the annual conferences shall have approved the aforesaid change in the sixth restrictive article, there shall be transferred to the above agent of the Southern Church so much of the capital and produce of the Methodist Book Concern as will, with the notes, book accounts, presses, &c., mentioned in the last resolution, bear the same proportion to the whole property of said Concern that the travelling preachers in the Southern Church shall bear to all the travelling ministers of the Methodist Episcopal Church ; the division to be made on the basis of the number of travelling preachers in the forthcoming minutes.

" '6. That the above transfer shall be in the form of annual payments of \$25,000 per annum, and specifically in stock of the Book Concern, and in Southern notes and accounts due the establishment, and accruing after the first transfer mentioned above ; and until the payments are made, the Southern Church shall share in all the net profits of the Book Concern, in the proportion that the amount due them, or in arrears, bears to all the property of the Concern.

" '7. That Nathan Bangs, George Peck, and James B. Finley be, and they are hereby appointed commissioners to act in concert with the same number of commissioners appointed by the Southern organization, (should one be formed,) to estimate the amount which will fall due to the South by the preceding rule, and to have full powers to carry into effect the whole arrangements proposed with regard to the division of property, should the separation take place. And if by any means a vacancy occurs in this board of commissioners, the Book Committee at New-York shall fill said vacancy.

" '8. That whenever any agents of the Southern Church are clothed with legal authority or corporate power to act in the premises, the agents at New-York are hereby authorized and directed to act in concert with said Southern agents, so as to give the provisions of these resolutions a legally binding force.

" '9. That all the property of the Methodist Episcopal Church in meeting-houses, parsonages, colleges, schools, conference funds, cemeteries, and of every kind within the limits of the Southern organization, shall be forever free from any claim set up on the part of the Methodist Episcopal Church, so far as this resolution can be of force in the premises.

" '10. That the Church so formed in the South shall have a common right to use all the copy-rights in possession of the Book Concerns at New-York and Cincinnati, at the time of the settlement by the commissioners.

" '11. That the book agents at New-York be directed to make such compensation to the conferences South, for their dividend from the Chartered Fund, as the commissioners above provided for shall agree upon.

" 'That the bishops be respectfully requested to lay that part of this report requiring the action of the annual conferences, before them as soon as possible, beginning with the New-York Conference.' "

That is all we shall read from the Book of Proofs No. 1. What remains, belongs to our friends on the other side, if they think it necessary to introduce it. I will

now proceed to read that part of the evidence which relates to the organization of the Church under this Plan of Separation. I read from the Book of Proofs No. 2, page 1 :—

“1. *History of proceedings of the Delegates from slaveholding States, at their meeting in the City of New-York, on the day after the adjournment of the General Conference of 1844.*

“At that meeting, they adopted the following plan of action as proper to be recommended to the conferences represented by them :—

“‘With a view to promote uniformity of action in the premises, we beg leave to submit to your consideration the expediency of concurring in the following plan of procuring the judgment of the Church within the slaveholding States, as to the propriety of organizing a Southern division of the Methodist Episcopal Church in the United States, and of effecting such an organization should it be deemed necessary :—

“‘1. There shall be a convention held in Louisville, Kentucky, to commence the 1st of May, 1845,—composed of delegates from the several annual conferences within the slaveholding States, appointed in the ratio of one for every eleven members.

“‘2. These delegates shall be appointed at the ensuing session of the several annual conferences enumerated, each conference providing for the expenses of its own delegates.

“‘3. These several annual conferences shall instruct their delegates to the proposed convention on the points on which action is contemplated—conforming their instructions, as far as possible, to the opinions and wishes of the membership within their several conference bounds.’

“They also sent abroad the following address :—

“ ‘ ADDRESS

“ ‘ *To the Ministers and Members of the Methodist Episcopal Church, in the Slaveholding States and Territories.*

“ ‘The undersigned, delegates in the late General Conference of the Methodist Episcopal Church, from *thirteen* annual conferences in slaveholding States and Territories, would most respectfully represent—that the various action of the *majority* of the General Conference, at its recent session, on the subject of *slavery and abolition*, has been such as to render it necessary, in the judgment of those addressing you, to call attention to the *proscription and disability* under which the Southern portion of the Church must of necessity labour in view of the action alluded to, unless some measures are adopted to free the minority of the South from the oppressive jurisdiction of the majority in the North, in this respect.

“ ‘The proceedings of the majority, in several cases involving the question of slavery, have been such as indicate most conclusively that the legislative, judicial, and administrative action of the General Conference, as now organized, will always be extremely hurtful, if not finally ruinous, to the interests of the Southern portion of the Church; and must necessarily produce a state of conviction and feeling in the slaveholding States, entirely inconsistent with either the peace or prosperity of the Church.

“ ‘The opinions and purposes of the Church in the North on the subject of slavery, are in direct conflict with those of the South, and unless the South will submit to the dictation and interference of the North, greatly beyond what the existing law of the Church on slavery and abolition authorizes, there is no hope of anything like union or harmony. The debate and action of the General Conference in the case of the Rev. Mr. Harding, of the Baltimore Conference; the debate and action in the case of Bishop Andrew; and the opinions and purposes avowed and indicated in a *manifesto* of the majority, in reply to a *Protest* from the minority against the proceedings complained of,—together with hundreds of petitions from the East, North, and West, demanding that slavery, in all its possible forms, be separated from the Church;—these, and similar demonstrations, have convinced the undersigned, that they cannot remain silent or inactive without hazard and injustice to the different portions of the Church they represent.

“ ‘They have, therefore, thought proper to invoke the attention of the Church in the South to a state of things they are compelled to regard as worthy the immediate

notice and action of the Church throughout all the slaveholding states and territories. The subject of slavery and abolition, notwithstanding the plain law of the Discipline on the subject, was agitated and debated in the late General Conference, for *five successive weeks*; and even at the very close of the session, the aspect of things was less satisfactory and more threatening to the South than at any former period; and under such circumstances of mutual distrust and disagreement, the General Conference adjourned.

“Some time before the adjournment, however, upon a *Declaration* made by the Southern delegations, setting forth the impossibility of enduring such a state of things much longer, the General Conference, by a very large and decided majority, agreed to a *plan of formal and pacific separation*, by which the Southern conferences are to have a distinct and independent organization of their own, in no way subject to Northern jurisdiction. It affords us pleasure to state that there were those found among the majority who met this proposition with every manifestation of justice and liberality. And should a similar spirit be exhibited by the annual conferences in the North, when submitted to them, as provided for in the Plan itself, there will remain no legal impediment to its peaceful consummation.

“This Plan is approved by the undersigned as the best, and, indeed, all that can be done at present, in remedy of the great evil under which we labour. Provision is made for a peaceable and constitutional division of Church property of every kind. The Plan does not decide that division shall take place; but simply, and it is thought securely, provides that it may, if it be found necessary. Of this necessity, you are to be the judges, after a careful survey and comparison of all the reasons for and against it.

“As the undersigned have had opportunity and advantages which those at a distance could not possess, to form a correct judgment in the premises, and it may be expected of them that they express their views fully on the subject, they do not hesitate to say, that they regard a separation at no distant day as inevitable; and further, that the Plan of Separation agreed upon is as eligible as the Southern conferences have any right to expect at any time. We most respectfully, therefore, and with no common solicitude, beseech our brethren of the ministry and membership in the slaveholding States, to examine this matter carefully, and weighing it well in all its bearings, try to reach the conclusion most proper under the circumstances. Shall that which, in all moral likelihood, must take place soon, be attempted now, or are there reasons why it should be postponed?

“We deprecate all excitement; we ask you to be calm and collected, and to approach and dispose of the subject with all the candour and forbearance the occasion demands. The separation proposed is *not* schism, it is *not* secession. It is a state or family, separating into two different states or families, by mutual consent. As the “Methodist Episcopal Church” will be found north of the dividing line, so the “Methodist Episcopal Church” will be found south of the same line.

“The undersigned have clung to the cherished unity of the Church with a firmness of purpose and force of feeling which nothing but invincible necessity could subdue. If, however, nominal unity must co-exist with unceasing strife and alienated feeling, what is likely to be gained by its perpetuation? Every minister and member of the Church in slave-holding States must perceive at once, that the constant, not to say interminable, agitation of the slavery and abolition question in the councils of the Church, and elsewhere, must terminate in incalculable injury to all the Southern conferences. Our access to slave and master is to a great extent cut off. The legislation of the Church in conflict with that of the State—Church policy attempting to control public opinion and social order—must generate an amount of hostility to the Church, impossible to be overcome, and slowly but certainly diminish both the means and the hope of usefulness and extension on the part of the Church.

“Disposed, however, to defer to the judgment of the Church, we leave this subject with you. Our first and most direct object has been to bring it fully before you, and, giving you an opportunity to judge and determine for yourselves, await your decision. The minority from the South in the late General Conference, were most anxious to adjourn the decision in the case of Bishop Andrew, with all its attendant results, to the annual conferences and to the Church at large, to consider and decide upon during the next four years—as no charge was presented against the bishop, and especially as this measure was urgently recommended by the whole bench of bishops, although Bishop Hedding subsequently withdrew his name. The proposition, how

ever, to refer the whole subject to the Church, was promptly rejected by the majority, and immediate action demanded and had. But as all the facts connected with the equivocal suspension of Bishop Andrew, will come before you in other forms, it is unnecessary to detail them in this brief address, the main object of which is to place before you, in a summary way, the principal facts and reasons connected with the proposed separation of the Southern conferences into a distinct organization.'

"Adopted at a meeting of the Southern delegations, held in New-York, at the close of the General Conference, June 11, 1844, and ordered to be published.

"Signed on behalf of the Kentucky, Missouri, Holston, Tennessee, North Carolina, Memphis, Arkansas, Virginia, Mississippi, Texas, Alabama, Georgia, and South Carolina Annual Conferences.

"*Kentucky*, H. B. Bascom, William Gunn, H. H. Kavanaugh, E. Stevenson, B. T. Crouch, G. W. Brush. *Missouri*, W. W. Redman, W. Patton, J. C. Berryman, J. M. Jameson. *Holston*, E. F. Sevier, S. Patton, T. Stringfield. *Tennessee*, R. Paine, J. B. McFerrin, A. L. P. Green, T. Maddin. *North Carolina*, B. T. Blake, J. Jamieson, P. Doub. *Memphis*, G. W. D. Harris, S. S. Moody, W. M'Mahon, Thomas Joyner. *Arkansas*, J. C. Parker, W. P. Ratcliffe, A. Hunter. *Virginia*, J. Early, T. Crowder, W. A. Smith, L. M. Lee. *Mississippi*, W. Winans, B. M. Drake, J. Lane, G. M. Rogers. *Texas*, Littleton Fowler. *Alabama*, J. Boring, J. Hamilton, W. Murrah, G. Garrett. *Georgia*, G. F. Pierce, W. J. Parks, L. Pierce, J. W. Glenn, J. E. Evans, A. B. Longstreet. *South Carolina*, W. Capers, W. M. Wightman, C. Betts, S. Dunwody, H. A. C. Walker."

If your Honours please, I propose now to show the action of the several Southern conferences upon the subject. I begin to read on page 7.

"The Kentucky Conference was the first in the Southern division of the Church to meet after the adjournment of the General Conference. It convened on the 11th of September, 1844, and adopted the following resolutions, with but one dissenting vote :—

" *Report of the Committee on Division.*

" 'The committee to whom was referred the subject of the division of the Church into two separate General Conference jurisdictions, and kindred subjects, have had the same under serious consideration, and beg leave to report :—

" 'That, enlightened as the conference is presumed to be, on the merits of the very important subject upon which your committee have been called to act, it was not deemed expedient to delay this report by an elaborate and argumentative investigation of the matters committed to them, in their various relations, principles, and bearings ; they, therefore, present the result of their deliberations to the conference by offering for adoption the following resolutions :—

" '1. *Resolved*, That it is the deliberate judgment of this conference, that the action of the late General Conference, virtually deposing Bishop Andrew, and also their action in confirming the decision of the Baltimore Conference, in the case of the Rev. F. A. Harding, are not sustained by the Discipline of our Church, and that we consider those proceedings as constituting a highly dangerous precedent.

" '2. *Resolved*, That we deeply regret the prospect of division growing out of these proceedings, and that we do most sincerely hope and pray that some effectual means, not inconsistent with the interests and honour of all concerned, may be suggested and devised, by which so great a calamity may be averted, and to this end we recommend that our societies be freely consulted on the subject.

" '3. *Resolved*, That we approve the holding of a convention of delegates from the conferences in the slaveholding States, in the city of Louisville, on the first day of May next, agreeably to the recommendation of the Southern and South-western delegates in the late General Conference ; and that the ratio of representation proposed by said delegates—to wit, one delegate for every eleven members of conference—be and the same is hereby adopted ; and that this conference will elect delegates to the proposed convention upon said basis.

" '4. *Resolved*, That should a division be found to be indispensable, the delegates of this conference are hereby required to act under the following instructions, to wit : that the Southern and South-western conferences shall not be regarded as a secession from the Methodist Episcopal Church, but that they shall be recognised in law, and to all intents and purposes, as a co-ordinate branch of the Methodist Episcopal

Church in the United States of America, simply acting under a separate jurisdiction. And further, that being well satisfied with the Discipline of the Church as it is, this conference instruct its delegates not to support or favour any change in said Discipline by said convention.

“ 5. *Resolved*, That unless we can be assured that the rights of our ministry and membership can be effectually secured according to Discipline, against future aggressions, and reparation be made for past injury, we shall deem the contemplated division unavoidable.

“ 6. *Resolved*, That we approve the course of our delegates in the late General Conference in the premises, and that we tender them our thanks for their faithful and independent discharge of duty in a trying crisis.

“ 7. *Resolved*, That the secretary of this conference be directed to have these resolutions published in such of our Church papers as may be willing to insert them.

“ All of which is respectfully submitted.

M. M. HENKLE, *Chairman.*’

“ *Further Action in Reference to the Contemplated Convention.*

“ *Resolved, by the Kentucky Annual Conference*, That should the proposed convention, representing the annual conferences of the Methodist Episcopal Church, in the slaveholding States, appointed to assemble in the city of Louisville, the first of May, 1845, proceed to a separate organization, as contingently provided for in the resolutions of this body on yesterday, then and in that event, the convention shall be regarded as the regular General Conference, authorized and appointed by the several annual conferences of the Southern division of the Church, and as possessing all the rights, powers, and privileges of the General Conference of the Methodist Episcopal Church in the United States, and subject to the same restrictions, limitations, and restraints.

“ *Resolved*, That in order to secure the constitutional character and action of the convention as a General Conference proper, should a separate organization take place, the ratio of representation as now found in the 2d restrictive rule, one for every twenty-one, shall prevail and determine the number of constitutional delegates, taking and accrediting as such the proper number from each annual conference first elected in order, and that the supernumerary delegates be regarded as members of the convention to deliberate, etc., but not members of the General Conference proper, should the convention proceed to a separate organization in the South—*Provided*, nevertheless, that should any delegate or delegates, who would not be excluded from the General Conference proper, by the operation of the above regulation, be absent, then any delegate or delegates present, not admitted by said regulation as member or members of the constitutional General Conference, may lawfully take the seat or seats of such absent delegates, upon the principle of the selection named above.

“ *Resolved, by the Kentucky Annual Conference*, That we respectfully invite the bishops of the Methodist Episcopal Church, who may feel themselves disposed to do so, to be in attendance at the contemplated convention, to be held in the city of Louisville, Ky., in May, 1845.

“ *Resolved, by the Kentucky Annual Conference*, That we appoint the Friday immediately preceding the day fixed for the meeting of the proposed General Convention of the delegates of the conferences, as a day of fasting and prayer for the blessing of Almighty God on the said convention.’

“ The Missouri Conference adopted the following report and resolutions, from the Committee on Division :—

“ *Report of the Committee on Division.*

“ The committee to whom was referred the subject of a division of the Church into two separate General Conference jurisdictions, together with the causes and circumstances connected with the same, have bestowed upon it, in the most prayerful and religious manner, all the time and attention they could command for the purpose, and beg leave to present the following as their report :—

“ That inasmuch as the conference is presumed to be well informed on the merits of the very important subject upon which the committee has been called to act, it was not deemed necessary to delay this report by an extended and argumentative investigation of the matters committed to them, in their various relations, principles, and bearings; they would, therefore, present the result of their deliberations to the conference by offering for adoption the following resolutions :—

“ *Resolved*, That we have looked for many years, with painful apprehension and

disapproval, upon the agitation of the slavery and abolition subject in our General Conference, and now behold with sorrow and regret, the disastrous results which it has brought about.

“*Resolved*, That while we accord to the great majority of our Northern brethren the utmost purity of intention, and while we would carefully refrain from all harsh denunciations, we are compelled to pronounce the proceedings of the late General Conference against Bishop Andrew, extra-judicial and oppressive.

“*Resolved*, That we deeply regret the prospect of separation growing out of these proceedings, and that we do most sincerely hope and pray that some effectual means not inconsistent with the interests and honour of all concerned, may be suggested and devised, by which so great a calamity may be averted; and to this end we recommend that our societies be freely consulted on this subject.

“*Resolved*, That we approve the holding of a convention of delegates from the conferences in the slaveholding States, in the city of Louisville, Kentucky, on the 1st day of May next, agreeably to the recommendation of the delegates from the Southern and South-western conferences, in the late General Conference; and that the ratio of representation proposed by said delegates—to wit, one delegate for every eleven members of the conference—be, and the same is hereby adopted; and that this conference will elect delegates to the proposed convention upon said basis.

“*Resolved*, That our delegates act under the following instructions, to wit: to oppose the division of the Church, unless such division, under all the circumstances of the case, be found to be indispensable, (and consequently unavoidable;) and should such necessity be found to exist, and the division be determined on, then, and in that event, that the Southern and South-western conferences shall not be regarded as a secession from the Methodist Episcopal Church, but that they shall be recognised in law, and to all intents and purposes, as a co-ordinate branch of the Methodist Episcopal Church in the United States of America, simply acting under a separate jurisdiction. And further, that being well satisfied with the Discipline of the Church as it is, this conference instruct its delegates not to support or favour any change in said Discipline by said convention.

“*Resolved*, That unless we can be assured that the rights of our ministry and membership can be effectually secured according to the Discipline, against future aggressions, we shall deem the contemplated division as unavoidable.

“*Resolved*, That should the proposed convention, representing the annual conferences of the Methodist Episcopal Church in the slaveholding States, appointed to assemble at the city of Louisville, Kentucky, the 1st of May, 1845, proceed to a separate organization, as contingently provided for in the foregoing resolutions, then, in that event, the convention shall be regarded as the regular General Conference, authorized and appointed by the several annual conferences of the Southern division of the Church, and as possessing all the rights, powers, and privileges of the General Conference of the Methodist Episcopal Church in the United States of America, and subject to the same restrictions, limitations, and restraints.

“*Resolved*, That in order to secure the constitutional character and action of the convention as a General Conference proper, should a separate organization take place, the ratio of representation as now found in the second restrictive rule, one for every twenty-one, shall prevail and determine the constitutional delegates, taking and accrediting as such the proper number from each annual conference, first elected in order, and that the supernumerary delegates be regarded as members of the convention to deliberate, but not members of the General Conference proper, should the convention proceed to a separate organization in the South. *Provided*, nevertheless, that should any delegate or delegates who would not be excluded from the General Conference proper, by the operation of the above regulation, be absent, then any delegate or delegates present, not admitted by said regulations as a member or members of the constitutional General Conference, may lawfully take the seat or seats of such absent delegates, upon the principle of selection named above.

“*Resolved*, That we have read with deep regret the violent proceedings of some of our Southern brethren, in their primary meetings, against some of our bishops and others; and that we do most cordially invite to our pulpits and fresides all our bishops and Northern brethren, who, in the event of a division, shall belong to the Northern Methodist Episcopal Church.

“*Resolved*, That the preachers shall take up public collections in all their circuits and stations, sometime before the first day of March next, for the purpose of

defraying the expenses of the delegates to the above-named convention, and pay over the same to the delegates, or the respective presiding elders, so that the delegates may receive the same before starting to the convention.

... Wm. Patten, Andrew Monroe, J. Boyle, W. W. Redman, John Glannville, E. Perkins, T. W. Chandler, Jas. G. T. Dunleavy, John Thatcher.—*Committee.*'

"The following resolutions were offered and immediately adopted by the conference :—

" *Resolved*, That we approve the course of our delegates in their action at the late General Conference, in the case of Bishop Andrew, and the part they took in the subsequent acts of the Southern delegates, growing out of the proceedings of the majority, and they are hereby entitled to our hearty thanks for their manly course in a trying crisis.

" *Resolved*, That we invite the bishops of our Church, who may feel free to do so, and they are hereby invited, to attend the contemplated convention at Louisville, Kentucky.

J. H. LINN,
R. BOYD.'

"The Holston Conference adopted the following report and resolutions from the Committee on Separation :—

"Report of the Committee on Separation.

"The committee to whom was referred the subject of Church separation and other matters connected therewith, would respectfully submit the following report :—

"In common with our brethren all over our widely-extended Zion, our hearts are exceedingly pained at the prospect of disunion, growing out of the action of the late General Conference in the case of Bishop Andrew. Your committee believe this action to be extra-judicial, and forming a highly-dangerous precedent. The aspect of affairs at the close of the General Conference, was indeed gloomy; and while we have sought for light from every possible source, we cannot believe that our Church papers are the true exponents of the views and feelings of the whole South, or of the whole North. We would respect the opinions of our brethren everywhere, but we feel that we shall not be doing justice to ourselves, the Church, or the world, if we do not express independently, and in the fear of God, our own sentiments on this important subject. We are not prepared to see the Church of our love and choice, which has been so signally blessed of God, and cherished by the tears, prayers, and untiring efforts of our fathers, lacerated and torn asunder, without one more effort to bind up and heal her bleeding wounds. Therefore,

" *Resolved*, That we approve of the proposed convention to be holden at Louisville, Kentucky, May 1st, 1845; and will elect delegates to said convention, according to the ratio agreed upon at the last General Conference by the Southern delegates.

" *Resolved*, That the conferences in the non-slaveholding States and territories, be, and they are hereby respectfully requested to elect one delegate from each annual conference, (either in conference capacity or by the presiding elders,) to meet with one delegate from each of the slaveholding conferences, in the city of Louisville, Kentucky, on the first day of May, 1845, to devise some plan of compromise. And, in the event that the non-slaveholding conferences, or any number of them, which, with the slaveholding conferences, shall make a respectable majority of all the annual conferences, shall so elect delegates,—then, and in that case, the delegates which we will elect from this conference to the Louisville convention, shall appoint one of their number on said committee of compromise. And the Southern and South-western conferences are respectfully requested to agree to act upon this plan.

" *Resolved*, That if nothing can be effected on the foregoing plan, then the delegates from this conference are instructed to propose to the Louisville convention the following or some similar plan, as the basis of connexion between the two General Conferences—proposed in case of separate organization :—The said General Conferences shall appoint an equal number of delegates, (say ten,) who shall meet together in the interim of the General Conferences, to whom shall be referred for adjustment all matters of difference between the two General Conferences, or those Churches over which they exercise jurisdiction, their decisions or propositions for adjustment to be referred for ultimate action to the General Conferences before

mentioned; and when both General Conferences have confirmed their decision, it shall be final and binding on both parties.

“*Resolved*, That if both the foregoing propositions should fail, then the delegates from this conference are instructed to support the plan of separation proposed by the late General Conference. And in so doing, we positively disavow secession, but declare ourselves, by the act of the General Conference, a co-ordinate branch of the Methodist Episcopal Church. And in the event of either the second or third proposition obtaining, the delegates from this conference are instructed not to favour any—even the least—alteration of our excellent Book of Discipline, except in so far as may be necessary to form a separate organization.

“*Resolved*, That our delegates to the late General Conference merit the warmest expression of our thanks, for their prudent, yet firm course in sustaining the interests of our beloved Methodism in the South.

“*Resolved*, That we warmly commend the truly Christian and impartial course of our bishops at the late General Conference, and we affectionately invite all our superintendents to attend the convention to be holden at Louisville, Kentucky.

“All which is respectfully submitted.

“T. K. Catlett, T. Sullins, A. H. Mathes, Ephm. E. Wiley, David Fleming, C. Fulton, R. M. Stevens, Jas. Cumming, O. F. Cunningham.”

If your Honours please, I will now endeavour to abridge the reading. I refer your Honours to page 113. There was action by the Conferences of Kentucky and Missouri, Holston and Tennessee, in 1845, subsequent to the Louisville convention.

“Next, the Holston Conference met.”

JUDGE NELSON,—Where is the Holston Conference!

The Hon. THOMAS EWING, (who being counsel for the defendants in a correlative case in Ohio, attended the trial of this suit to watch its progress,)—It embraces East Tennessee, part of Georgia, and other contiguous territory.

MR. LORD continued :—

“Next, the Holston Conference met: Bishop Andrew presided, and the conference adopted the following preamble and resolutions, with but one negative vote; and the brother who gave the negative vote, afterwards gave in his adhesion to the Methodist Episcopal Church, South, and took work of the conference as usual :—

“The following preamble and resolutions were offered by Samuel Patten, and adopted by a vote of 51 in the affirmative, and 1 in the negative. Several members were not in attendance at the conference.

“Whereas, the long-continued agitation on the subject of slavery and abolition in the Methodist Episcopal Church did, at the General Conference of said Church, held in the city of New-York, in May, 1844, result in the adoption of certain measures by that body, which seriously threatened a disruption of the Church; and to avert this calamity, said General Conference did advise and adopt a plan contemplating the peaceful separation of the South from the North; and constituting the conferences in the slave-holding States the sole judges of the necessity of such separation: and, whereas, the conferences in the slave-holding States, in the exercise of the right accorded to them by the General Conference, did, by their representatives in convention at Louisville, Kentucky, in May last, decide that separation was necessary, and proceeded to organize themselves into a separate and distinct ecclesiastical connexion, under the style and title of the Methodist Episcopal Church, South, basing their claim to a legitimate relation to the Methodist Episcopal Church in the United States, upon their unwavering adherence to the Plan of Separation, adopted by the General Conference of said Church, in 1844, and their devotion to the doctrines, discipline, and usages of the Church as they received them from their fathers.

“And as the Plan of Separation provides that the conferences bordering on the geographical line of separation, shall decide their relation by the votes of the majority—as, also, that ministers of every grade shall make their election North or South without censure—therefore,

“1. *Resolved*, That we now proceed to determine the question of our ecclesiastical relation, by the vote of the conference.

" 2. That we, the members of the Holston Annual Conference, claiming all the rights, powers, and privileges of an annual conference of the Methodist Episcopal Church in the United States, do hereby make our election with, and adhere to the Methodist Episcopal Church, South.

" 3. That while we thus declare our adherence to the Methodist Episcopal Church, South, we repudiate the idea of secession in any schismatic or offensive sense of the phrase, as we neither give up nor surrender any thing which we have received as constituting any part of Methodism, and adhere to the Southern ecclesiastical organization, in strict accordance with the provisions of the Plan of Separation, adopted by the General Conference of the Methodist Episcopal Church, at its session in New-York, in May, 1844.

" 4. That we are satisfied with our Book of Discipline as it is, on the subject of slavery and every other vital feature of Methodism, as recorded in that book; and that we will not tolerate any changes whatever, except such verbal or unimportant alterations as may, in the judgment of the General Conference, facilitate the work in which we are engaged, and promote uniformity and harmony in our administration.

" 5. That the journals of our present session, as well as all our official business, be henceforth conformed in style and title to our ecclesiastical relations.

" 6. That it is our desire to cultivate and maintain fraternal relations with our brethren of the North. And we do most sincerely deprecate the continuance of paper warfare, either by editors or correspondents, in our official Church papers, and devoutly pray for the speedy return of peace and harmony in the Church, both North and South.

" 7. That the Holston Annual Conference most heartily commend the course of our beloved bishops, Soule and Andrew, during the recent agitations which have resulted in the territorial and jurisdictional separation of the Methodist Episcopal Church, and that we tender them our thanks for their steady adherence to principle and the best interests of the slave population.

" DAVID ADAMS."

I will not read all the resolutions of the various conferences, but refer your Honours to them. The adhering resolutions of the Tennessee Conference will be found on pp. 16, 17, 18, and 19. They state "that the actions of the late General Conference, together with the entire merits of the proceedings of that body, leading to the contemplated separation of the Church, have been fully and fairly presented to our people, and that both the ministry and membership within our bounds have, with great solicitude and prayerful anxiety, investigated the subject in its various relations, principles, and bearings;" and that they consider a separate organization proper. I refer particularly to the second resolution, which is on page 17; to the third resolution on the same page; and to the fourth resolution on page 18, as indicating the character of the separation. The sixth resolution provides for a General Conference, in a contingency there contemplated; and the seventh resolution shows that they adopted the same mode of representation in the General Conference. They dissented from the medium scheme of the Holston Conference, as, indeed, they all did.

The next is the Memphis Conference, page 20. They appointed a committee to examine and report upon the subject, and a series of resolutions was reported and adopted, in which, amongst other things, they approved the holding of a convention of delegates from the conferences in the slave-holding States, in the city of Louisville, Kentucky, agreeably to the recommendation of the Southern and South-Western delegates in the late General Conference. Those resolutions will be found on pp. 21, 22, and 23.

The resolutions of the Mississippi Conference are the next in order, page 24. These documents are all prefaced with a short statement, that an investigation and examination of the subject had been made. The resolutions commence on page 25. The first and second resolutions declare "that the decision of the late General Conference, in the cases of the Rev. F. A. Harding and Bishop Andrew, was unauthorized by the

Discipline of the Methodist Episcopal Church ; and that a tame submission to them, upon the part of the Church in the slave-holding States, would prevent our access to the slaves, and expose us to suspicions destructive to our general usefulness ;" and " that as no authorized plan of compromise has been suggested by the North, and as all the propositions made by the Southern delegates were rejected, we regard a separation as inevitable, and approve the holding of a convention to meet in Louisville." The third resolution contains instructions to their delegates to such convention.

The next is the Arkansas Conference, whose resolutions will be found upon pp. 27, 28, and 29.

The Virginia resolutions are on pp. 30, 31, and 32.

The North Carolina Conference adopted the report of their committee, in which they " deeply regret the division of the Methodist Episcopal Church, which the course of the majority in the late General Conference renders not only necessary but inevitable." I would particularly call attention to what they say on page 34 :—

" Nothing was left for the South to do, but to pass from under the jurisdiction of so wayward a power, to the regulations and government of our old, wholesome, and Scriptural Discipline. This, we sorrow when we say it, has opened a great gulf—we fear an impassable gulf—between the North and the South. This consolation, however, if no other, they have—the good Book of Discipline, containing the distinctive features of the Methodist Episcopal Church, shall still lie on the South side. Compelled by circumstances which could neither be alleviated nor controlled—which neither the entreaties of kindness nor the force of truth could successfully resist—we hesitate not to decide on being forever separate from those whom we not only esteem, but love. Better far that we should suffer the loss of union, than that thousands, yea millions of souls should perish."

Their resolutions follow.

The proceedings and resolutions of the South Carolina Conference, which will be found on the 35th and subsequent pages, show how they came to their conclusion. It appears that in all the circuits and stations of that conference, and in other meetings and at preaching places where there was a society, the subject had been talked over, and on all occasions there had been but one voice uttered, one opinion expressed. On pages 36 and 37, your Honours will find a statement of the manner in which they came to their conclusion ; and considering where it comes from, it is a very moderate document indeed. Their resolutions are on pages 38 and 39, and they show that they cordially agreed in the necessity of a separation. I would very gladly read all these resolutions if it were consistent with a proper economy of time. Their resolutions, however, show that the subject had been deliberately considered.

The next is the Indian Mission Conference, which lies, I believe, west of the Mississippi. They elected delegates to represent the Indian Mission Conference in the contemplated convention to be held in Louisville, Kentucky.—Pp. 40, 41.

The Georgia Conference discuss the subject fully in their report, pp. 42, 43, 44 ; and on pp. 45, 46, 47 are their resolutions, by which they authorize the Southern organization of the Church.

The resolutions of the Florida Conference will be found on pp. 47, 48 ; those of the Texas Conference on pp. 49, 50 ; and those of the Alabama Conference, on pp. 50, 51, 52, and 53. There were fifteen or sixteen Southern conferences that appointed delegates, who were instructed and recommended to form a Southern organization of the Church. They met, and extracts from the journal of their proceedings will be found on page 54 of the book from which I have been reading—Proofs, No. 2. Perhaps it is proper that I should read the address of Bishop Soule, which he delivered to that Convention on the second day of its session, the second of May, 1845.

" I rise on the present occasion to offer a few remarks to this convention of ministers, under the influence of feelings more solemn and impressive than I recollect ever to have experienced before. The occasion is certainly one of no ordinary interest and solemnity. I am deeply impressed with a conviction of the important results of your deliberations and decisions in relation to that numerous body of Christians and Christian ministers you here represent, and to the country at large. And knowing, as I do, the relative condition of the vast community where your acts must be extensively felt, I cannot but feel a deep interest in the business of the convention, both as it respects yourselves, and the millions who must be affected by your decisions. With such views and feelings, you will indulge me in an expression of confident hope that all your business will be conducted with the greatest deliberation, and with that purity of heart, and moderation of temper, suitable to yourselves, as a body of Christian ministers, and to the important concerns which have called you together in this city.

" The opinion which I formed at the close of the late General Conference, that the proceedings of that body would result in a division of the Church, was not induced by the impulse of excitement ; but was predicated of principles and facts, after the most deliberate and mature consideration. That opinion I have freely expressed. And however deeply I have regretted such a result, believing it to be inevitable, my efforts have been made, not to prevent it, but rather that it be attended with the least injury, and the greatest amount of good which the case would admit. I was not alone in this opinion. A number of aged and influential ministers entertained the same views. And, indeed, it is not easy to conceive how any one, intimately acquainted with the facts in the case, and the relative position of the North and South, could arrive at any other conclusion. Nothing has transpired since the close of the General Conference to change the opinion I then formed ; but subsequent events have rather confirmed it. In view of the certainty of the issue, and at the same time ardently desirous that the two great divisions of the Church might be in peace and harmony within their own respective bounds, and cultivate the spirit of Christian fellowship, brotherly kindness, and charity for each other, I cannot but consider it an auspicious event that the sixteen annual conferences, represented in this convention, have acted with such extraordinary unanimity in the measures they have taken in the premises. In the Southern conferences which I have attended, I do not recollect that there has been a dissenting voice with respect to the necessity of a separate organization ; and although their official acts in deciding the important question, have been marked with that clearness and decision which should afford satisfactory evidence that they have acted under a solemn conviction of duty to Christ, and to the people of their charge, they have been equally distinguished by moderation and candour. And as far as I have been informed, all the other conferences have pursued a similar course.

" It is ardently to be desired that the same unanimity may prevail in the counsels of this convention as distinguished, in such a remarkable manner, the views, and deliberations, and decisions of your constituents. When it is recollected that it is not only for yourselves, and the present ministry and membership of the conferences you represent, that you are assembled on this occasion, but that millions of the present race, and generations yet unborn, may be affected, in their most essential interests, by the results of your deliberations, it will occur to you how important it is that you should 'do all things as in the immediate presence of God.' Let all your acts, dear brethren, be accompanied with much prayer for that *wisdom which is from above*.

" While you are thus impressed with the importance and solemnity of the subject which has occasioned the convention, and of the high responsibility under which you act, I am confident you will cultivate the spirit of Christian moderation and forbearance ; and that in all your acts you will keep strictly within the limits and provisions of the 'Plan of Separation' adopted by the General Conference with great unanimity and apparent Christian kindness. I can have no doubt of the firm adherence of the ministers and members of the Church in the conferences you represent, to the doctrine, rules, order of government, and forms of worship contained in our excellent Book of Discipline. For myself, I stand upon the basis of Methodism as contained in this book, and from it I intend never to be removed. I cannot be insensible to the expression of your confidence in the resolution you have unanimously adopted, requesting me to preside over the convention in conjunction with my

colleagues. And after having weighed the subject with careful deliberation, I have resolved to accept your invitation, and discharge the duties of the important trust to the best of my ability. My excellent colleague, Bishop Andrew, is of the same mind, and will cordially participate in the duties of the chair.

"I am requested to state to the convention, that our worthy and excellent colleague, Bishop Morris, believes it to be his duty to decline a participation in the presidential duties. He assigns such reasons for so doing as are, in the judgment of his colleagues, perfectly satisfactory; and it is presumed they would be considered in the same light by the convention. In conclusion, I trust that all things will be done in that spirit which will be approved of God; and devoutly pray that your acts may result in the advancement of the Redeemer's kingdom, and the salvation of the souls of men."

Bishop Soule then took the chair, and from the record of their proceedings I read the following:—

"On motion of J. Early and W. A. Smith, it was

"*Resolved*, That a committee of *two* members, from each annual conference represented in this convention, be appointed, whose duty it shall be to take into consideration the propriety and necessity of a Southern organization, according to the Plan of Separation adopted by the late General Conference, together with the acts of the several annual conferences on this subject, and report the best method of securing the objects contemplated in the appointment of this convention."

"MONDAY MORNING, MAY 5.—On motion of Dr. William Winans, it was

"*Resolved*, That the Committee on Organization be instructed to inquire whether or not anything has transpired, during the past year, to render it possible to maintain the unity of the Methodist Episcopal Church, under the same General Conference jurisdiction, without the ruin of Southern Methodism."

"On motion of Benjamin M. Drake, it was

"*Resolved*, That the Committee on Organization be, and are hereby instructed to inquire into the propriety of reporting resolutions in case a division should take place, leaving the way open for re-union on terms which shall not compromise the interests of the *Southern*, and which shall meet, as far as may be, the views of the *Northern* portion of the Church."

"Dr. William A. Smith and Dr. Lovick Pierce presented the following resolution, which, at their request, was laid on the table, to be taken up on to-morrow morning.

"*Resolved*, by the delegates of the several annual conferences in the Southern and South-western states, in General Convention assembled, That we cannot sanction the action of the late General Conference of the Methodist Episcopal Church, on the subject of slavery, by remaining under the ecclesiastical jurisdiction of that body, without deep and lasting injury to the interests of the Church and the country; we, therefore, hereby instruct the Committee on Organization, that if, upon careful examination of the whole subject, they find that there is no reasonable ground to hope that the Northern majority will recede from their position and give some safe guarantee for the future security of our civil and ecclesiastical rights, they report in favour of a separation from the ecclesiastical jurisdiction of the said General Conference."

"WEDNESDAY MORNING, MAY 14.—The resolution of Dr. Smith was then taken up, and after a few remarks in its support by Joseph Boyle and Jesse Green, of the Missouri Conference, and Littleton Fowler, of the Texas Conference, was adopted, with one dissenting voice.

"SATURDAY MORNING, MAY 17.—On motion of John Early, of the Virginia Conference, the report of the Committee on Organization was taken up, and the convention resolved to act on it by *yeas* and *nays*—sick and absent members being permitted to enter their votes at some subsequent period during the season.

"The first resolution was read, and on motion of John Early, was adopted as follows:—

"*Be it resolved*, by the delegates of the several annual conferences of the Methodist Episcopal Church in the slaveholding States, in General Convention assembled, That it is right, expedient, and necessary, to erect the annual conferences represented in this convention, into a distinct ecclesiastical connexion, separate from the

jurisdiction of the General Conference of the Methodist Episcopal Church, as at present constituted; and accordingly, we, the delegates of said annual conferences, acting under the provisional Plan of Separation adopted by the General Conference of 1844, do solemnly *declare* the jurisdiction hitherto exercised over said annual conferences, by the General Conference of the Methodist Episcopal Church, *entirely dissolved*; and that said annual conferences shall be, and they hereby *are constituted*, a separate ecclesiastical connexion, under the provisional Plan of Separation aforesaid, and based upon the Discipline of the Methodist Episcopal Church, comprehending the doctrines and entire moral, ecclesiastical, and economical rules and regulations of said Discipline, except only, in so far as verbal alterations may be necessary to a distinct organization, and to be known by the style and title of the **METHODIST EPISCOPAL CHURCH, SOUTH**.—Yeas 94; nays 3.

“The second resolution was then read, and, on motion of Thomas Crowder, of the Virginia Conference, adopted as follows:—

“*Resolved*, That we cannot abandon or compromise the principles of action, upon which we proceed to a separate organization in the South; nevertheless, cherishing a sincere desire to maintain Christian union and fraternal intercourse with the Church, North, we shall always be ready, kindly and respectfully, to entertain, and duly and carefully consider, any proposition or plan, having for its object the union of the two great bodies, in the North and South, whether such proposed union be *jurisdictional or connexional*.”—Yeas, 97; nays, none.

“The Committee on Organization then presented an additional report, which was amended and adopted, in the following form:—

“*1. Resolved*, That this convention request the bishops, presiding at the ensuing session of the border conferences of the Methodist Episcopal Church, *South*, to incorporate into the aforesaid conferences any societies or stations adjoining the line of division, provided such societies or stations, by a majority of the members, according to the provisions of the Plan of Separation adopted by the late General Conference, request such an arrangement.

“*2. Resolved*, That answer 2d of 3d section, chapter 1st of the Book of Discipline, be so altered and amended as to read as follows:—

“The General Conference shall meet on the first day of May, in the year of our Lord, 1846, in the town of Petersburg, Virginia, and thenceforward in the month of April or May, once in four years successively; and in such place and on such day as shall be fixed on by the preceding General Conference, &c.

“*3. Resolved further*, That the first answer in the same chapter be altered by striking out the word *twenty-one*, and inserting in its place *fourteen*.”—Yeas, 97; nays, none.

“**MONDAY MORNING, MAY 19**.—The Committee on Organization then made an additional report, as follows:—

“The Committee on Organization beg respectfully to report the following **resolutions** for adoption by the convention:—

“*1. Resolved*, That Bishops Soule and Andrew be, and they are hereby respectfully and cordially requested by this convention, to unite with and become regular and constitutional bishops of the Methodist Episcopal Church, South, upon the basis of the Plan of Separation adopted by the late General Conference.

“*2. Resolved*, That should any portion of an annual conference on the line of separation, not represented in this convention, adhere to the Methodist Episcopal Church, South, according to the Plan of Separation adopted at the late General Conference, and elect delegates to the General Conference of the Church in 1846, upon the basis of representation adopted by this convention, they shall be accredited as members of the General Conference.

“*3. Resolved*, That a committee of three be appointed, whose duty it shall be to prepare and report to the General Conference of 1846, a revised copy of the present Discipline, with such changes as are necessary to conform it to the organization of the Methodist Episcopal Church, South. Respectfully submitted.

“**JOHN EARLY, Chairman.**”

“The first resolution was then adopted:—Yeas, 95; nays, none; absent, 5.”

Then follows the adhesion of Bishop Soule, or rather his letter, which it is not necessary to read; and a similar letter from Bishop Andrew, both of which may be

considered as read and in evidence. Neither do I intend to read the Pastoral Address which was prepared by that convention, beginning on page 62; but I wish it to be considered as read, as a declaration of the character of the new organization.

There is another document, beginning on page 67, which, if time would permit, I should with pleasure read. It is their manifesto; and able as are the other papers, I consider this one of the most able. By this document, which is understood to be the production of the pen of the late Bishop Bascom, nearly all the argument on our side may be considered as anticipated. It is a very long document, extending from page 67 to page 101, and contains a full discussion of the case. I crave your Honours' attention to this report, as being, if nothing else, an argument which sets the case in a clear and strong light.

The Southern Church having been organized, the bishops—not of the Southern but of the Northern Church—met in council on the 2d of July, 1845, in New-York. Your Honours will recollect that the organization of the Church, South, was completed in May; and in July the bishops met in council, of whose proceedings I will read an extract from pp. 101, 102, book of Proofs, No. 2:—

“ This council met in the city of New-York, July 2d, 1845, and was attended by Bishops Hedding, Waugh, Morris, and Janes. Bishop Hamline sent his opinion in writing on the points to be acted on by the council, Bishop Soule did not attend, and Bishop Andrew, being suspended, was not invited. Besides agreeing on a new plan of visitation, the bishops adopted the following resolutions, intended for the government of their own administration:—

“ ‘ 1. *Resolved*, That the plan reported by the select committee of nine at the last General Conference, and adopted by that body, in regard to a distinct ecclesiastical connexion, should such a course be found necessary by the annual conferences in the slaveholding States, is regarded by us as of binding obligation in the premises, so far as our administration is concerned.

“ ‘ 2. *Resolved*, That in order to ascertain fairly the desire and purpose of those societies bordering on the line of division, in regard to their adherence to the Church, North or South, due notice should be given of the time, place, and object of the meeting for the above purpose, at which a chairman and secretary should be appointed, and the sense of all the members present be ascertained, and the same be forwarded to the bishop who may preside at the ensuing annual conferences; or forward to such presiding bishop a written request to be recognised and have a preacher sent them, with the names of the majority appended thereto.

“ ‘ A true copy.

EDMUND S. JANES, *Sec'y.* ”

Then appears Bishop Soule's letter of invitation to Bishop Andrew to perform episcopal functions, and Bishop Andrew's reply, accepting the office of bishop in that Church. They are merely necessary to show the organization of the Church as an episcopal Church. Your Honours will consider them as read for that purpose.

There is then the action of the conferences of Kentucky, Missouri, Holston, and Tennessee, in 1845, subsequent to the Louisville convention.—P. 108. I will not read them, but your Honours will take them as read, showing the completeness of its organization. All these documents are of the same character, showing the completeness of the organization of the new Church.

I next refer your Honours to page 117, where you will find this title:—

“ 9. The Journal of the General Conference of the Methodist Episcopal Church, South, at Petersburg, Va., in May, 1846, printed. (To be referred to.) ”

There is here a reference to the conference journal, South. It was set up in the answer of the defendants, that this suit is not brought by the authority of the Church, South. I therefore refer to the journal of that Conference, to show that this suit was authorized. It is a mere formal matter of proof.

On page 96 of the Journal of the General Conference of the Methodist Episcopal Church, South, held in 1846, at Petersburg, in the State of Virginia, will be found the following :—

“The Report of the Committee on Finance, in reference to the appointment of commissioners, being taken up, the blank in the fourth resolution, on motion of Dr. Smith, was filled with the name of John Early. The report was then adopted, as follows, viz. :—

“‘The Finance Committee submit their Fourth Report, as follows :—

“‘1. *Resolved*, by the delegates of the several annual conferences of the Methodist Episcopal Church, South, in General Conference assembled, That three commissioners be appointed in accordance with the Plan of Separation adopted by the General Conference of the Methodist Episcopal Church, in 1844, to act in concert with the commissioners appointed by the said Methodist Episcopal Church, to estimate the amount due to the South, according to the aforesaid Plan of Separation ; and to adjust and settle all matters pertaining to the division of the Church property and funds, as provided for in the Plan of Separation, with full powers to carry into effect the whole arrangement with regard to said division.

“‘2. *Resolved*, That the commissioners of the South shall forthwith notify the commissioners and book agents of the Methodist Episcopal Church of their appointment, and of their readiness to adjust and settle the matters aforesaid ; and should no such settlement be effected before the session of the General Conference of the Methodist Episcopal Church, in 1848, said commissioners shall have power and authority, for and in behalf of this Conference, to attend the General Conference of the Methodist Episcopal Church, to settle and adjust all questions involving property or funds, which may be pending between the Methodist Episcopal Church and the Methodist Episcopal Church, South.

“‘3. *Resolved*, That should the commissioners appointed by this General Conference, after proper effort, fail to effect a settlement as above, then, and in that case, they shall be, and are hereby authorized, to take such measures as may best secure the just and equitable claims of the Methodist Episcopal Church, South, to the property and funds aforesaid.

“‘4. *Resolved*, That John Early be, and he is hereby authorized, to act as the agent or appointee of the Methodist Episcopal Church, South, in conformity to the Plan of Separation, adopted by the General Conference of 1844, to receive, and hold in trust, for the use and benefit of the Methodist Episcopal Church, South, all property and funds of every description which may be paid over to him by the agents of the Methodist Episcopal Church.

“‘5. *Resolved*, That the commissioners, appointee, and book-agent, report to the next General Conference of the Methodist Episcopal Church, South.

“‘6. *Resolved*, That should a vacancy occur in the board of commissioners, or in the office of appointee heretofore provided for, by death or otherwise, in the interim of the General Conference, then, and in that case, the remaining members of the board shall have power to fill such vacancy, with the approbation of one or more of the bishops.

W. A. SMITH, *Chairman.*”

The other documents in this case are also merely formal, being an application of our commissioners to their commissioners—page 117 of second of Proofs—dated Cincinnati, Ohio, August 25th, 1846 ; and their reply, dated New-York, October 14, 1846. Your Honours will see that the Northern commissioners took what appears to us to be very strange ground on the subject. They declined having anything to do with it. Then the Southern commissioners appeared at Pittsburgh, and addressed a communication to the General Conference of 1848, asking for a settlement—page 124. To this no reply was received. They then addressed another letter, of the 18th May, 1848—page 125—which letter, and the reply which they received, I will read.

"12. *The letter of H. B. Bascom, and others, commissioners, to N. Bangs, and others, dated Pittsburgh, May 18th, 1848, and the reply thereto, dated Pittsburgh, May 20th, 1848.*

" 'PITTSBURGH, 18th May, 1848.

" 'The undersigned, commissioners of the Methodist Episcopal Church, South, appointed by the General Conference of said Church, in accordance with the Plan of Separation adopted by the General Conference of the Methodist Episcopal Church, in 1844, would respectfully represent to the Rev. Nathan Bangs, George Peck, and James B. Finley, commissioners on the part of the Methodist Episcopal Church, that it is important their stay in the city should not be prolonged beyond the period necessary to accomplish, as far as may be found practicable, the objects of their commission; and with a view to a correct decision in the case, the undersigned beg leave to inquire—1st. Whether as commissioners appointed by the General Conference of 1844, to act in concert with a similar board of commissioners in behalf of the Church, South, provided for in the Plan of Separation, you regard yourselves as authorized to act in the premises, under the authority above, and if so, in what form? 2d. Should your answer to this inquiry be in the negative, we would respectfully ask, have you anything to propose to us, as commissioners of the Methodist Episcopal Church, South, designed to carry into effect the provisions of the Plan of Separation, having reference to the division of the Church property? Very truly and respectfully,

" 'H. B. BASCOM,
A. L. P. GREEN,
C. B. PARSONS.

" 'REV. N. BANGS, GEORGE PECK, and JAS. B. FINLEY.'

" 'PITTSBURGH, May 20th, 1848.

" 'Rev. Messrs. H. B. Bascom, D.D., A. L. P. Green, and C. B. Parsons:—

" 'GENTLEMEN.—The undersigned have the honour to acknowledge the receipt of your communication of the 18th inst., and would respectfully reply:—

" '1. That the conditions upon which their powers, as 'commissioners,' appointed by the General Conference at its session of 1844, were made to depend, having failed, they have not, and never had, power to act in the matter in question.

" '2. In accordance with the above view, they would respectfully say that they have nothing to "propose" to you touching these matters. With sentiments of esteem, yours,

" 'GEORGE PECK,
JAMES B. FINLEY.'

We also produce the Discipline of the Methodist Episcopal Church, South, with a view of showing that there is no difference in doctrine, organization, or discipline of the Church. There is only one note, I believe, added on the subject of slavery. I believe it is not worthy of notice, and yet, perhaps, in fairness I ought to state it. I will show it to your Honours afterwards. I need not now detain the Court to state it.

This, your Honours, is the evidence on our part.

JUDGE NELSON,—Is there any evidence to be offered on the part of the defendants?

MR. EWING,—Yes, sir.

JUDGE NELSON,—How long will it occupy?

MR. EWING,—Perhaps we can read it in half an hour, or a little more.

The Court then adjourned.

[NOTE BY THE REPORTER.—As Mr. Lord referred to various documents, pointing the Court to the pages where they may be found, and desired that they might be considered as read, without consuming the time necessary to read them, there is great propriety, in the judgment of the Reporter, in the incorporation of them in this report. They are, therefore, appended. The first document to which he referred, comprises the report and resolutions from the Committee on Separation, which were adopted by the Tennessee Conference.] Second of Proofs, pp. 16, 17, 18, 19, and 20.

“The committee to whom was referred the proposed division of the Methodist Episcopal Church into two separate and distinct General Conference jurisdictions, and kindred subjects, having had the same under mature consideration, beg leave to submit the following :—

“Apprised as we are, that the actions of the late General Conference, together with the entire merits of the proceedings of that body, leading to the contemplated separation of the Church, have been fully and fairly presented to our people, and that both the ministry and membership within our bounds have, with great solicitude and prayerful anxiety, investigated the subject in its various relations, principles, and bearings, we deem it entirely inexpedient at present to enter into detail or to prepare an elaborate investigation of the very important matters committed to us ; therefore your committee present the result of their deliberations to the conference, by the offering for your consideration and adoption, the following resolutions :—

“1. *Resolved*, That it is the candid and deliberate judgment of this conference, that the action of the late General Conference, by which Bishop Andrew was virtually deposed, as well as their action in confirming the decision of the Baltimore Conference in the case of the Rev. F. A. Harding, is not sustained by the Discipline of our Church, and that we consider such extra-judicial proceedings as constituting a highly-dangerous precedent.

“2. That under the great affliction caused by these unfortunate proceedings, we did most ardently hope and pray that the calamitous consequences might have been averted. But since the only plausible plan of reconciliation, the proposition unanimously recommended by our beloved superintendents, was put down by the majority in the late General Conference, we honestly confess we see at present no prospect to avoid a separation.

“3. That we approve the holding a convention of delegates from all the conferences in the slaveholding States, in the city of Louisville, on the first day of May next, agreeably to the recommendation of the Southern and South-Western delegates in the late General Conference ; and that the ratio of representation proposed by said delegates—to wit, one delegate for every eleven members of conference—be, and the same is hereby adopted ; and this conference will elect delegates to the proposed convention upon said basis.

“4. That should a division be found to be indispensable, the delegates of this conference are required to act under the following instruction,—to wit, that the Southern and South-western conferences shall not be regarded as a secession from the Methodist Episcopal Church, but that they shall be recognised in law, and to all intents and purposes, as a co-ordinate branch of the Methodist Episcopal Church in the United States of America, simply acting under a separate jurisdiction. And, furthermore, as we are well satisfied with the Discipline of our Church as it is, this conference instruct its delegates not to support or favour any change in said Discipline by said convention ; except in so far as may be necessary to conform it in its economical arrangements to the new organization.

“5. That unless we can be well assured that the rights of our ministry and membership can be effectually secured according to Discipline against future aggression, and full reparation be made for past injury, we shall deem the contemplated division unavoidable.

“6. That should the proposed convention, representing the annual conferences of the Methodist Episcopal Church in the slaveholding States, appointed to assemble in the city of Louisville, the first day of May next, proceed to a separate organization, as contingently provided for in the foregoing resolutions, then, and in that event, the convention shall be regarded as the regular General Conference, authorized and appointed by the several annual conferences of the Southern division of

the Church in the United States, as possessing all the rights and privileges of the General Conference of the Methodist Episcopal Church, in the United States of America, and subject to the same constitutional limitations and restrictions.

"7. That in order to secure the constitutional character and action of the convention, as a General Conference proper, should a separate organization take place, the ratio of representation, as now found in the second restrictive rule, one for every twenty-one, shall prevail and determine the number of constitutional delegates, taking and accrediting as such the proper number from the annual conference first elected in order; and that the supernumerary delegates be regarded as members of the convention to deliberate, but not members of the General Conference proper, should the convention proceed to a separate organization in the South. *Provided*, nevertheless, that should any delegate or delegates who would not be excluded from the General Conference proper, by the operation of the above regulation, be absent, then any delegate or delegates present, not admitted by said regulation as member or members of the constitutional General Conference, may lawfully take the seat or seats of such absent delegates, upon the principle of selection named above.

"8. That we do most cordially approve of the course of our delegates in the late General Conference, in the premises, and that we tender them our sincere thanks for their faithful and independent discharge of duty in a trying crisis.

"9. That the secretary of this conference be directed to have the foregoing preamble and resolutions published in the South-Western Christian Advocate.

"All which is respectfully submitted.

"F. E. Pitts, Joshua Boucher, F. G. Ferguson, G. W. Dye, P. P. Neely, W. D. F. Sawrie, Jno. W. Hanner, A. F. Driskill, R. L. Andrews."

The following resolutions were adopted by the conference :—

"*Resolved*, That this conference invite the bishops of the Methodist Episcopal Church, to attend the convention at Louisville, Kentucky.

"*Resolved*, That the preacher in charge of each circuit and station, shall lift a collection before the first day of April next, to defray the expenses of our delegates to the convention at Louisville, Kentucky. The funds so collected shall be handed over to the nearest delegate, or forwarded to the editor of the South-Western Christian Advocate, and shall be equally distributed among the delegates in proportion to their expenses; and should any surplus accrue, it shall be returned to the conference at its next session, and shall be applied as the other conference funds, in making up the deficiency of our preachers, &c."

On the resolution of the Holston Conference, suggesting a plan of a compromise, it was unanimously

"*Resolved*, That sympathizing as we do with our brethren of the Holston Conference in the feeling of deep regret for the necessity of a separation of the Southern portion of our Church from the Northern, and willing as we would be to preserve the union of our beloved Church, upon principles safe and just to ourselves and conservative of the Discipline; yet, inasmuch as any proposition for a compromise of existing difficulties, which might be proposed with any probability of success, should come in an authoritative manner from the Northern section of the Church, and believing the plan proposed by the Holston Conference, would, if generally adopted by the South, utterly fail to meet the object contemplated, therefore we cannot agree to the proposition."

The proceedings of the Memphis Conference, to which the learned gentleman referred, are as follows :—

"The committee to whom was referred the subject of the division of the Church into two separate General Conference jurisdictions, and all matters connected therewith, after solemnly and prayerfully deliberating upon the same, present the following report :—Inasmuch as the conference is presumed to be well informed on the merits of the subject, we deem it unnecessary to consume time, by entering into an extended and argumentative investigation of the various relations, principles, and bearings of the same, but proceed at once to offer the following resolutions for the action of the conference :—

"*Resolved*, 1. That it is the deliberate judgment of this conference, that the action of the late General Conference of the Methodist Episcopal Church, virtually de-

posing Bishop Andrew, and also their action in affirming the decision of the Baltimore Annual Conference in the case of the Rev. F. A. Harding, are not sustained by the Discipline of our Church, and that we consider these proceedings as constituting a highly-dangerous precedent.

"2. That we deeply regret the prospect of division growing out of these proceedings, and do most sincerely and devoutly pray to the great Head of the Church, that some effectual means, not inconsistent with the interests of the cause of Christ, or the honour of all concerned, may be suggested and devised, by which so great a calamity may be averted, and our long-cherished union preserved and perpetuated.

"3. That we approve the holding a convention of delegates from the conferences in the slaveholding States, in the city of Louisville, Kentucky, on the first day of May next, agreeably to the recommendation of the Southern and South-Western delegates in the late General Conference; and that the ratio of representation proposed by said delegates—to wit, one delegate for every eleven members of conference—be, and the same is hereby adopted; and that this conference will elect delegates to the proposed convention on said basis.

"4. That should a division be found to be indispensable, the delegates of this conference are hereby required to act under the following instructions, to wit: that the Southern and South-Western conferences shall not be regarded as having by such division *seceded* from the Methodist Episcopal Church; but they shall be recognised in law, and to all intents and purposes, as a co-ordinate branch of the Methodist Episcopal Church in the United States of America, simply acting under a separate jurisdiction. And further, that being well satisfied with the Discipline of the Church as it now is, this conference instructs its delegates not to support or favour any change in said Discipline by said convention, only so far as is necessary to perfect a Southern organization.

"5. That unless we can be assured that the rights of our ministry and membership will be effectually secured, according to Discipline, against future aggressions, and full reparation be made for past injury, we shall deem the contemplated division unavoidable.

"6. That should the proposed convention, representing the annual conferences of the Methodist Episcopal Church in the slaveholding States, appointed to assemble at the city of Louisville, on the first day of May, 1845, proceed to a separate organization, as contingently provided for in the foregoing resolutions; then, and in that event, the convention shall be regarded as the regular General Conference, authorized and appointed by the several annual conferences of the Southern division of the Church, and as possessing all the rights, powers, and privileges of the General Conference of the Methodist Episcopal Church in the United States of America, and subject to the same restrictions, limitations, and restraints.

"7. That in order to secure the constitutional character and action of the convention, as a General Conference proper, should a separate organization take place, the ratio of representation as it now stands in the second restrictive rule, one for every twenty-one, shall prevail, and determine the constitutional delegates, taking as such the proper number from each annual conference, first elected in order, and that the remaining delegates be regarded as members of the convention to deliberate, but not members of the General Conference proper, should the convention proceed to a separate organization in the South. *Provided*, nevertheless, that should any delegate or delegates who would not be excluded from the General Conference proper, by the operation of the foregoing regulation, be absent, then any delegate or delegates present, not admitted by said regulation as a member or members of the constitutional General Conference, may lawfully take the seat or seats of such absent delegates upon the principles of selection before named.

"8. That we have witnessed with sorrow and disapprobation, alike the violence manifested by some at the South, and the ultraism displayed by others at the North; and that we regret exceedingly that any annual conference should have deemed it necessary to refuse to concur in the recommendation of the late General Conference to alter the sixth restrictive article: nevertheless, we shall entertain for our brethren of the North the feeling of Christian kindness and brotherly love.

"9. That we heartily approve the entire course pursued by our delegates at the late General Conference.

"10. That we cordially invite such of our bishops as may deem it proper, to be present at the contemplated convention in Louisville.

"11. That it be made the duty of each preacher to take up a public collection in every congregation under his charge, for the purpose of defraying the expenses of the delegates to the convention; and that such collections be taken up previous to the first Sabbath in April next, and immediately transmitted to some one of the delegates; and that the delegates be required to report to the next annual conference the sums received by them for this purpose, together with the amount expended by them in attending said convention.

"12. That the secretary of this conference be instructed to forward the foregoing to the South-Western Christian Advocate for publication, with a request that all other Church papers copy.

"Moses Brock, Joseph Travis, Thomas Smith, M. J. Blackwell, J. T. Baskerville, D. J. Allen, B. H. Hubbard, William Pearson, A. T. Scruggs."

The Mississippi Conference adopted the following preamble and resolutions:—

"The committee to whom was referred the subject of the contemplated division of the Methodist Episcopal Church, have endeavoured to examine the subject carefully, and in a spirit of reliance upon the teachings of the word of God for direction.

"Your committee can but deplore the existence of such causes as compel the Church of our choice to meditate a severance of that union which has so long existed, and which, under God, has contributed so efficiently to the spread of Scriptural holiness through these lands. But we are fully convinced that justice to ourselves, as well as compassion for the slaves, demand an unqualified disapproval of the action of the late General Conference—first, in confirming the decision of the Baltimore Conference, in the case of Rev. F. A. Harding; and secondly, in virtually suspending Bishop Andrew from the episcopacy, not only without law or usage, but in direct contravention of all law, and in defiance of a resolution adopted by the General Conference of 1840, which provides, 'that under the provisional exception of the general rule of the Church on the subject of slavery, the simple holding of slaves, or mere ownership of slave property, in the States or Territories where the laws do not admit of emancipation and permit the liberated slave to enjoy freedom, constitutes no legal barrier to the election or ordination of ministers to the various grades of office known in the ministry of the Methodist Episcopal Church, and cannot therefore be considered as operating any forfeiture of right in view of such election and ordination.'

"With the abstract question of slavery we are not now concerned, nor do we regard it as a subject on which the Church has a right to legislate; neither are we disposed in this report to state the full extent of our grievances, or to investigate the reasons which impose upon us the necessity of planning an amicable separation. Your committee deeply regret the injury which may be inflicted upon our beloved Zion by the intemperate and unjust denunciation of the *whole North* by those who have occasion to complain of the illegal and oppressive course pursued by the majority of the late General Conference, and most earnestly recommend the exercise of that charity which 'suffereth long and is kind.' As the result of our prayerful examination of the subject in all its bearings, we offer the following resolutions for your consideration and adoption:—

"*Resolved*, 1. That the decisions of the late General Conference in the cases of Rev. F. A. Harding and Bishop Andrew, were unauthorized by the Discipline of the Methodist Episcopal Church, and that a tame submission to them upon the part of the Church in the slaveholding States, would prevent our access to the slaves, and expose us to suspicions destructive to our general usefulness.

"*Resolved*, 2. That as no authorized plan of compromise has been suggested by the North, and as all the propositions made by the Southern delegates were rejected, we regard a separation as inevitable, and approve the holding of a convention, to meet in Louisville, Kentucky, on the first day of May next, agreeably to the recommendation of the Southern and South-Western delegates to the late General Conference; and that the ratio of representation proposed by said delegates—to wit, one delegate for every eleven members of the annual conferences—be, and the same is hereby adopted, and that this conference will elect delegates to the proposed convention upon said basis. *Provided*, however, that if, in the providence of God, any plan of compromise, which in the judgment of our delegates will redress our grievances, and effectually secure to us the full exercise and peaceable enjoyment of all our disci-

plinary rights, should be proposed in time to prevent disunion, we will joyfully embrace it.

"*Resolved*, 3. That our delegates to said convention shall be empowered to co-operate with the delegates to said convention from the other conferences, in adopting such measures as they shall deem necessary for the complete organization of a Southern Church, provided that it conform in all its essential features to the Discipline of the Methodist Episcopal Church.

"*Resolved*, 4. That the course pursued by our immediate representatives in the late General Conference, was and is approved by us.

"*Resolved*, 5. That the conciliatory spirit evinced by our general superintendents entitles them to the unqualified approbation of the whole Church, and that we do most cordially invite them to attend the proposed convention.

"All of which is respectfully submitted.

"D. O. Shattuck, William H. Watkins, John G. Jones, B. Pipkin, L. Campbell, John N. Hamill, A. T. M. Fly, David M. Wiggins, W. G. Gould."

"Eighty-one voting concurring in the change of the sixth restrictive rule—none non-concurring."

"*Resolved*, That the first Friday in May next be set apart as a day of special fasting and prayer for the superintendence and direction of Divine Providence, with regard to our Church difficulties, that the delegates may act so as to bring the greatest glory to God and the most good to his Church."

"The committee to whom was referred the resolutions of the Holston Conference, have had the same under consideration, and although we hold ourselves in readiness to accept any plan of pacification which obliterates the distinction between Northern and Southern Methodists, we do not regard the resolution of the Holston Conference as sanctioned by the North, or practicable in itself. Therefore,

"*Resolved*, That this conference do not concur.

"D. O. Shattuck, William Hamilton Watkins, John G. Jones, B. Pipkin, L. Campbell, J. N. Hamill, A. T. M. Fly, D. M. Wiggins, Wm. G. Gould."

"Seventy-three non-concurring—none concurring."

The following report and resolutions were adopted by the Arkansas Conference:—

"The committee to whom were referred the several subjects connected with the prospective division of the Methodist Episcopal Church, have had the same under calm and prayerful consideration, and beg leave to present the following as the result of their honest deliberations

"Being well convinced that the members of this body have not been inattentive to the proceedings of the General Conference, and that they have not failed to derive some information from the numerous addresses and communications that have appeared in our periodicals, your committee have not been disposed to waste their time, nor insult your judgments, by detailing the many circumstances, which, were you differently situated, would require amplification,—they, therefore, present to your minds for consideration and action, the subjoined resolutions:—

"1. *Resolved*, That it is the decided opinion of this conference, that the Discipline of the Methodist Episcopal Church does not sustain the action of the late General Conference in the cases of Rev. F. A. Harding and Bishop Andrew

"2. *Resolved*, That we approve the suggestions of the bishops, as well as the request of several Southern delegates, which contemplated the postponing of the action of the General Conference, until the wishes of the whole Church could be consulted

"3. *Resolved*, That, as we see no probability that reparation will be made for past injuries, and no security given that the rights and privileges of the ministry and membership in the slaveholding conferences will be equally respected, we believe it is the imperative duty, if not the only alternative, of the South, to form a separate organization. Nevertheless, should honourable and satisfactory propositions for pacification be made by the North, we shall expect our delegates to favour the perpetuation of the union.

"4. *Resolved*, That we approve the holding of a convention of delegates from the conferences in the slaveholding States, in the city of Louisville, Kentucky, on the first day of May, 1845, agreeably to the recommendation of the delegates from the Southern and South-Western conferences, in the late General Conference.

"5. *Resolved*, That should the proposed convention, representing the Methodist Episcopal Church in the slaveholding States, appointed to assemble at Louisville, Kentucky, the first day of May, 1845, proceed to a separate organization, as contingently provided for in the foregoing resolutions, then, in that event, the convention shall be regarded as the regular General Conference authorized and appointed by the several annual conferences in the Southern division of the Church, and as possessing all the rights, powers, and privileges of the General Conference of the Methodist Episcopal Church in the United States of America, and subject to the same restrictions, limitations, and restraints.

"6. *Resolved*, That in order to secure the constitutional character and action of the convention as a General Conference proper, should a separate organization take place, the ratio of representation, as now found in the second restrictive rule, one for every twenty-one, shall prevail and determine the constitutional delegates, taking and accrediting as such the proper number from each annual conference, first elected in order; and that the supernumerary delegates be regarded as members of the convention to deliberate, but not members of the General Conference proper, should the convention proceed to a separate organization in the South. *Provided*, nevertheless, that should any delegate or delegates who would not be excluded from the General Conference proper, by the operation of the above regulation, be absent, then any delegate or delegates present, not admitted by said regulation as a member or members of the constitutional General Conference, may lawfully take the seats of such absent delegates, upon the principle of selection named above.

"7. *Resolved*, That, as we are well satisfied with the Discipline of the Methodist Episcopal Church as it is, we hereby instruct our delegates to said convention not to favour any change therein.

"8. *Resolved*, That, though we feel ourselves aggrieved, and have been wounded, *without cause*, in the house of our friends, we have no disposition to impute wrong motives to the majority in the late General Conference, and no inclination to endorse those vindictive proceedings had in some portions of the South, believing it to be the duty of Christians, under all circumstances, to exercise that *charity* which *beareth all things*.

"9. *Resolved*, That the preachers take up collections on their several circuits and stations, at an early period, and hand the money collected to their presiding elders, that the delegates may receive the whole amount collected before they shall be required to start for Louisville.

"10. *Resolved*, That we tender our warmest thanks to our representatives in the late General Conference, for the stand which they took, with others, in defence of our Disciplinary rights.

"11. *Resolved*, That the bishops generally be, and they hereby are, requested, if it be congenial with their feelings, to attend the convention at Louisville.

"12. *Resolved*, That we recommend to our people the observance of the first of May next as a day of humiliation and prayer, that the Divine presence may attend the deliberations of the convention.

"John Harrell, Fountain Brown, J. B. Annis, Jacob Custer, Alexander Avery, J. F. Truslow."

The Virginia Conference adopted the following preamble and resolutions:—

"The committee to whom was referred the resolutions of the late General Conference, recommending to all the annual conferences at their first approaching sessions, to authorize a change of the sixth restrictive article, so that the first clause shall read, 'They shall not appropriate the produce of the Book Concern nor of the Chartered Fund to any purpose, other than the travelling, supernumerary, superannuated, and worn-out preachers, their wives, widows, and children, and to such other purposes as may be determined on by the votes of two-thirds of the members of the General Conference,'—and to whom was also referred the Address of the Southern delegates in the late General Conference, recommending a Southern Convention, to be held in Louisville, Kentucky, on the first day of May, 1845; together with the proceedings of various primary and quarterly conference meetings within the bounds of the Virginia Conference on the subject of a separation from the ecclesiastical jurisdiction of the General Conference of the Methodist Episcopal Church, beg leave to report:—

"That, having maturely considered these subjects, they do not deem it necessary

to present an argument upon the various topics submitted to them ; but that the duty assigned them will probably be more satisfactorily accomplished in the following series of resolutions, namely :—

“ *Resolved*, 1. That we concur in the recommendation of the late General Conference to change the sixth restrictive article of the Discipline of our Church.

“ *Resolved*, 2. That, from the ample sources of information before your committee, in numerous primary meetings, which have been held in various charges within our pastoral limits, and the proceedings of quarterly meeting conferences, which we have the most sufficient reason to regard as a fair and full exponent of the mind and will of the membership upon the subject of the action of the recent General Conference, and the propriety of division,—we are of opinion, that it is the mind of the laity of the Church, with no exception sufficient to be regarded as the basis of action, that, whilst they seriously deprecate division, considered relatively, and most earnestly wish that some ground of permanent union could have been found, they see no alternative, and therefore approve of a peaceable separation in the present circumstances of our condition ; and in *this opinion* and *this determination* your committee unanimously concur.

“ *Resolved*, 3. That we concur in the recommendation of the Southern delegates in the late General Conference, that there be a Southern Convention, to be held in Louisville, Kentucky, on the first day of May, 1845 ; and *in the objects of this convention, as are contemplated in the address of the Southern delegates*.

“ *Resolved*, 4. That while we do not propose to dissolve our connexion with the Methodist Episcopal Church, but only *with the General Conference* of the Methodist Episcopal Church, we are, therefore, entitled to our full proportion of all the rights and privileges appertaining to the property of the Church. Nevertheless, our delegates to the convention to be held in Louisville, Kentucky, in May, 1845, are hereby instructed not to allow the question of property to enter into the calculation whether or not we shall exist as a separate organization.

“ *Resolved*, 5. That the action of the late General Conference in the case of Bishop Andrew, was in violation of the provisional rule of the Discipline on the subject of slavery, and in derogation of the dignity and authority of the episcopal office : it was, therefore, equally opposed to the rights of the Southern portion of the Church, and to those of the incumbents of the episcopal office. But more than this : it was an effort to accomplish, by legislative action, what it was only competent for them to do, *if at all*, by regular judicial process : the very attempt was an acknowledgment that there was no rule of Discipline, under which he could either be deposed or censured, and that the General Conference, being unrestrained by the authority of law, was supreme. Thus, both the episcopal office and its incumbents were taken from under the protection of the constitutional restriction, and the provisional rule of Discipline, by which it was made a co-ordinate branch of the government, and placed at the caprice of a majority, which claims that its mere will is the law of the Church.

“ Bishop Andrew, therefore, in refusing to resign his office, or otherwise yield to this unwarranted assumption of authority on the part of the General Conference, has taken a noble stand upon the platform of constitutional law, in defence of the episcopal office and the rights of the South, which entitles him to the cordial approbation and support of every friend of the Church ; and we hereby tender him a unanimous expression of our admiration of his firmness in resisting the misrule of a popular majority.

“ *Resolved*, 6. That we cordially approve the course of the Southern and South-Western delegates of the late General Conference, in resisting with so much constancy and firmness the encroachments of the majority upon the rights of the South, and for so faithfully warning them against the tendency of those measures, which we fear do inevitably draw after them the dissolution of our ecclesiastical union.

“ John Early, Thomas Crowder, jr., Wm. A. Smith, Abram Penn, George W. Nolley, Anthony Dibrell, H. B. Cowles, D. S. Doggett, Jos. H. Davis.”

“ The recommendation to change the sixth restrictive article was concurred in—eighty-one in favour, and none against it, and the whole report of the committee was unanimously adopted by the conference.”

The North Carolina Conference adopted the following report and resolutions :—

"The committee to whom the resolution of the late General Conference, respecting the alteration of the sixth restrictive rule, the report of the select Committee of Nine, on the declaration of the Southern delegates, and the reports of numerous voluntary meetings, both of ministers and people, within the bounds of North Carolina Conference, were referred, beg leave to report :—

"Your committee deeply regret the division of the Methodist Episcopal Church, which the course of the majority in the late General Conference renders not only necessary but inevitable. The unity of the Church, so long the boast and praise of Methodism, was a feature greatly admired, and more than esteemed by Southern Methodists. For its promotion and preservation they were willing to surrender anything but principle—vital principle. *This* they could not do!—*this* they durst not do! The course of the late General Conference demanded a submission on the part of the ministers in the slaveholding conferences, which the Discipline did not require, and the institutions of the South absolutely forbade. To have yielded, therefore, would have opened a breach in Methodism wholly subversive of the Church, and greatly mischievous to the civil community—to have yielded would have been ruin! This, therefore, they *refused to do*; absolutely refused! With the Discipline in their hands, sustained and upheld by it, they protested against the proceedings of the majority, with an unfaltering and manly voice, declaring them to be not only unauthorized, but unconstitutional. The protestation, however, just and legal as it was, authorized and borne out by the Discipline, was altogether unavailing. Nothing was left for the South to do, but to pass from under the jurisdiction of so wayward a power, to the regulations and government of our old, wholesome, and Scriptural Discipline. This, we sorrow when we say it, has opened a great gulf—we fear an impassable gulf—between the North and the South. This consolation, however, if no other, they have—the good Book of Discipline, containing the distinctive features of the Methodist Episcopal Church, shall still lie on the South side. Compelled by circumstances which could neither be alleviated nor controlled—which neither the entreaties of kindness nor the force of truth could successfully resist—we hesitate not to decide on being forever separate from those whom we not only esteem, but love. Better far that we should suffer the loss of union, than that thousands, yea millions of souls should perish.

"From the reports of quarterly meeting conferences and numerous voluntary meetings within the bounds of the North Carolina Conference, both of ministers and people, we feel assured that it is the mind of our people and preachers fully to sustain the action of the Southern and South-Western delegates, as set forth in the Declaration and Protest; and therefore,

"1. *Resolved*, That the time has come for the ministers of the Methodist Episcopal Church in the slaveholding States, to refuse to act in union with the North.

"2. *Resolved*, That we concur in the proposed alteration of the sixth restrictive rule of the Discipline.

"3. *Resolved*, That we concur in the recommendation to hold a convention in Louisville, Kentucky, in May, 1845.

"4. *Resolved*, That this conference elect delegates to said convention according to the basis of representation recommended.

"5. *Resolved*, That the action of the late General Conference, in the case of Bishop Andrew, was a violation of the rule of Discipline on the subject of slavery, and derogatory to the dignity of the episcopal office, by throwing it from under the protection of law, and exposing it to the reproach and obloquy of misrule and lawless power. The bishop, therefore, acted justly and honourably in resisting such action, and declining obedience to the resolution of said conference; and for thus guarding and respecting the rights of the South, both of ministers and people, he is entitled to our highest regards.

"All which is respectfully submitted.

"H. G. Leigh, S. S. Bryant, James Jamson, P. Doub, Bennet T. Blake, James Reid, D. B. Nicholson, R. J. Carson, William Carter."

"The above report was *unanimously* adopted by the conference. On the question of concurrence in altering the sixth restrictive rule, the vote was: ayes 58—nays none.

S. S. BRYANT,

Secretary of North Carolina Annual Conference."

The following preamble and resolutions were adopted by the South Carolina Conference :—

“The committee to whom was referred the general subject of the difficulties growing out of the action of the late General Conference on the case of Bishop Andrew and brother Harding ; and, in particular, the report of the select committee on the Declaration of the Southern and South-Western delegates of the General Conference, as adopted by the conference, and the proceedings of numerous quarterly conferences, and other meetings, in all parts of our annual conference district ; respectfully offer the following report :—

“It appears to your committee, on the evidence of numerous documents, and the testimony of the preachers, in open conference, that in all the circuits and stations of this conference district, the people have expressed their minds with respect to the action of the General Conference, and the measures proper to be adopted in consequence of that action. Resolutions to that effect have been adopted by the quarterly conferences of all the circuits and stations, without any exception ; and in many, perhaps in most of them, by other meetings also, which have been called expressly for the purpose ; and in some of them, by meetings held at every preaching-place where there was a society. And on all these occasions, there has been but one voice uttered—one opinion expressed—from the sea-board to the mountains, as to the unconstitutionality and injurious character of the action in the case above-named, the necessity which that action imposes for a separation of the Southern from the Northern conferences, and the expediency and propriety of holding a convention at Louisville, Kentucky, and of your sending delegates to it, agreeably to the proposition of the Southern and South-Western delegates of the late General Conference.

“Your committee, also, have made diligent inquiry, both out of conference and by calling openly in conference, for information from the preachers, as to the number, if any, of local preachers, or other official members, or members of some standing among us, who should have expressed, in the meetings or in private, a different opinion from that which the meetings have proclaimed. And the result of this inquiry has been, that, in the whole field of our conference district, one individual only has been heard to express himself doubtfully, as to the expediency of a separate jurisdiction for the Southern and South-Western conferences ; not even one as to the character of the General Conference action. Nor does it appear that this unanimity of the people has been brought about by popular harangues, or any schismatic efforts of any of the preachers, or other influential persons ; but that it has been as spontaneous as universal, and from the time that the final action of the General Conference became known, at every place. Your committee state this fact thus formally, that it may correct certain libellous imputations which have been cast on some of our senior ministers, in the *Christian Advocate and Journal* ; as well as for the evidence which it furnishes of the necessity of the measures which are in progress for the relief of the Church in the South and South-West.

“Your committee also consider it due to state, that it does not appear that the action of the General Conference in the cases of the bishop and of brother Harding, proceeded of ill-will, as of purpose to oppress us ; nor of any intended disregard of the authority of the Scriptures or of the Discipline, as if to effect the designs of a politico-religious faction, without warrant of the Scriptures, and against the Discipline and peace of the Church ; but they consider that action as having been produced out of causes which had their origin in the fanatical abolitionism of Garrison and others ; and which, being suffered to enter and agitate the Church, first in New-England, and afterwards generally at the North, worked up such a revival of the anti-slavery spirit as had grown too strong for the restraints of either Scripture or Discipline, and too general through the Eastern, Northern, and North-Western conferences to be resisted any longer by the easy, good-natured prudence of the brethren representing those conferences in the late General Conference. Pressed beyond their strength, whether little or much, they had to give way ; and reduced (by the force of principles which, whether by their own fault or not, had obtained a controlling power) to the alternative of breaking up the Churches of their own conference districts, or adopting measures which they might hardly persuade themselves could be endured by the South and South-West, they determined on the latter. The best of men may have their judgments perverted ; and it is not wonderful that, under such stress of circumstances, the majority should have adopted a new construction of both Scripture

and Discipline, and persuaded themselves, that in pacifying the abolitionists, they were not unjust to their Southern brethren. Such, however, is unquestionably the character of the measures they adopted; and which the Southern Churches cannot possibly submit to, unless the majority who enacted them could also have brought us to a conviction that we ought to be bound by their judgment, against our consciences and calling of God, and the warrant of Scripture, and the provisions of the Discipline. But while we believe that our paramount duty in our calling of God, positively forbids our yielding the Gospel in the Southern States, to the pacification of abolitionism in the Northern; and the conviction is strong and clear in our own minds, that we have both the warrant of Scripture and the plain provisions of the Discipline to sustain us; we see no room to entertain any proposition for compromise, under the late action in the cases of Bishop Andrew and brother Harding, and the principles avowed for the maintenance of that action, short of what has been shadowed forth in the report of the select committee which we have had under consideration, and the measures recommended by the Southern and South-Western delegates at their meeting after the General Conference had closed its session.

"Your committee do, therefore, recommend the adoption of the following resolutions:—

"1. *Resolved*, That it is necessary for the annual conferences in the slaveholding States and Territories, and in Texas, to unite in a distinct ecclesiastical connexion, agreeably to the provisions of the report of the select committee of nine of the late General Conference, adopted on the 8th day of June last.

"2. *Resolved*, That we consider and esteem the adoption of the report of the aforesaid committee of nine, by the General Conference, (and the more for the unanimity with which it was adopted,) as involving the most solemn pledge which could have been given by the majority to the minority and the Churches represented by them, for the full and faithful execution of all the particulars specified and intended in that report.

"3. *Resolved*, That we approve of the recommendation of the Southern delegates, to hold a convention in Louisville, on the 1st day of May next, and will elect delegates to the same on the ratio recommended in the address of the delegates to their constituents.

"4. *Resolved*, That we earnestly request the bishops, one and all, to attend the said convention.

"5. *Resolved*, That while we do not consider the proposed convention competent to make any change or changes in the Rules of Discipline, they may nevertheless indicate what changes, if any, are deemed necessary under a separate jurisdiction of the Southern and South-Western conferences. And that it is necessary for the convention to resolve on, and provide for, a separate organization of these conferences under a General Conference to be constituted and empowered in all respects for the government of these conferences, as the General Conference hitherto has been with respect to all the annual conferences—according to the provisions and intentions of the late General Conference.

"6. *Resolved*, That as, in common with all our brethren of this conference district, we have deeply sympathized with Bishop Andrew in his afflictions, and believe him to have been blameless in the matter for which he has suffered, so, with them, we affectionately assure him of our approbation of his course, and receive him as not the less worthy, or less to be honoured in his episcopal character, for the action which has been had in his case.

"7. *Resolved*, That we recognise in the wisdom and prudence, the firmness and discretion, exhibited in the course of Bishop Soule, during the General Conference—as well as in former instances, wherein he has proved his devotion to the great principles of constitutional right in our Church—nothing more than was to be expected from the bosom friend of Asbury and M'Kendree.

"8. *Resolved*, That, in common with the whole body of our people, we approve of the conduct of our delegates, both during the General Conference, and subsequently.

"9. *Resolved*, That we concur in the recommendation of the late General Conference for the change of the sixth article of the restrictive rules in the book of Discipline, so as to allow an equitable pro rata division of the Book Concern.

"W. Capers, W. Smith, H. Bass, N. Talley, H. A. C. Walker, C. Betts, S. W. Capers, S. Dunwody, R. J. Boyd, *Committee*."

The Indian Mission Conference adopted the following resolutions :—

"The committee to whom was referred the action of the late General Conference relating to an amicable division of the Methodist Episcopal Church in the United States, beg leave to report the following resolutions for adoption by the conference :—

"1. *Resolved*, That we concur in the proposed alteration in the sixth restrictive article of the Discipline.

"2. *Resolved*, That we approve of the course pursued by the minority of the late General Conference.

"3. *Resolved*, That we elect delegates to represent the Indian Mission Conference in the contemplated convention to be held in Louisville, Kentucky, in May next.

"4. *Resolved*, That this conference do deeply deplore the necessity for division of any kind in the Methodist Episcopal Church; and that we will not cease to send up our prayers to Almighty God for his gracious interposition, and that he may guide the affairs of the Church to a happy issue.

"J. C. BERRYMAN, *Chairman*."

"The above report having been read, was taken up section by section, and disposed of as follows :—The first resolution was adopted, ayes 14; nays 1. The second resolution was adopted, ayes 11; nays 3; declined voting, 4. The third resolution was adopted, ayes 16. The fourth resolution was adopted, ayes 17. The preamble and resolutions were then adopted by the conference as a whole.

"The conference then proceeded, in accordance with the third resolution, to elect delegates to attend the proposed convention in Louisville, in May next. On counting the votes, it appeared that the whole number of votes given was twenty-one, of which number William H. Goode had received twenty, Edward T. Peery eighteen, scattering four. Whereupon, W. H. Goode and E. T. Peery, having received a majority of all the votes given, were declared duly elected. D. B. Cumming was then elected reserved delegate.

"The following resolutions were on the next day unanimously adopted, at the request of the delegates elect :—

"*Resolved*, That in view of the condition of the Church, at the present trying crisis, the members of this conference will, when practicable, as near as may be, at the hour of twilight, in the evening of each day, until the close of the approaching convention at Louisville, meet each other at a throne of grace, and devoutly implore the blessing of God upon our assembled delegates in the discharge of their important duties.

"*Resolved*, That the Friday preceding the opening of said convention, be set apart as a day of fasting and supplication to Almighty God for the continued unity, peace, and prosperity of the Methodist Episcopal Church; and that our members throughout this conference be requested to join us in the devotions of that day.

"W. H. GOODE,
E. T. PEERY."

The following preamble and resolutions were unanimously adopted by the Georgia Conference :—

"The committee appointed to take into consideration the difficulties of the Church, as growing out of the action of the General Conference in the case of Bishop Andrew, and to submit some recommendations to the annual conference for their adoption, beg leave to report :—

"The action of the majority in the last General Conference of the Methodist Episcopal Church, in the cases of Bishop Andrew and the Rev. Mr. Harding, has rendered it *indispensable* that the conferences, within whose limits slavery exists, should cease to be under the jurisdiction of that body. They must either abandon the people collected under their ministry, and committed to their pastoral care, and the vast and widening field of missionary labour among the slaves—a field to which their attention is imperatively called by their sympathies as Christians, their sense of ministerial obligation as preachers of the Gospel, and their interests and duties as citizens—or they must live under the control of an ecclesiastical body, separate and distinct from, and independent of, the conferences lying within the States and Territories where slavery is not allowed by law. In view of the relations before stated, that distinct

organization is required by a *necessity* strict and *absolute*, and upon that issue we place it, before the Church and the world. The exigence which brings it upon us, arose, not out of our acts or designs; no collateral considerations of expedience abated our zeal in withstanding it; no collateral issues upon points involved, affected our determination to maintain the unity of the Church under one organization as heretofore existing; no pride of opinion, speculative differences, nor personal motives, have conducted us to this conclusion. We did not seek to effect any changes in the doctrine or Discipline of our Church; we did not ask any boon at the hands of the General Conference, nor any exemption from the operation of the laws which were common to the whole Connexion; and whatever consequences, affecting the Church or the civil community, may result from our movement, we confidently look for acquittal to the judgment of posterity, and the decision of the sober and unprejudiced among our contemporaries.

"The General Conference violated the law of the Church: first, by confirming the decision of the Baltimore Conference, suspending the Rev. Mr. Harding from his connexion with that conference as a travelling preacher therein, because he would not give freedom to slaves, which by the laws of the land he could not manumit; and secondly, by passing a resolution intended to inhibit Bishop Andrew from the exercise of his episcopal functions for the same reasons; in both cases contrary to the express provisions of the Discipline, which allows preachers to hold slaves wherever they are not permitted by the laws of the land to enjoy freedom when manumitted; and in both cases striking an effective blow at the fundamental principle of the economy of Methodism, as it destroys that general itinerancy of the preachers, which is its most distinguished peculiarity; for under their decision, preachers holding slaves in conferences where by the law of the Discipline they are allowed so to do, may not be transferred to conferences within whose limits slavery does not exist.

"By the same decision, both preachers and lay-members holding slaves are thrown into an odious and dishonoured caste, the first deprived of office therefor, and the religious character of both impeached, and thrown under suspicion thereby; to which must be added, as an evil not lightly to be regarded, nor slightly overlooked, that in connexion with the fanatical movements of abolitionists in the North, East, and West, it is well fitted to excite slaves to disaffection and rebellion, making it imperative upon governments and citizens to prohibit all communication between slaves and preachers, who either teach such doctrine, or impliedly admit it to be true by submitting to such dishonour and deprivation. Secondly. That in the case of Bishop Andrew, the General Conference have violated the Discipline of the Church and invaded personal rights, which are secured by the laws of every enlightened nation, if not by the usages of every savage people on earth. They tried and sentenced Bishop Andrew without charges preferred, or a cognizable offence stated. If it is even admitted that they intended to charge him with 'improper conduct,' as a phrase used in the Discipline to embrace every class of offences for which a bishop is amenable to the General Conference, and on conviction liable to be expelled, they did not *formally* prefer that charge; if they intended to specify his 'connexion with slavery,' as the substantive offence under that charge, a 'connexion with slavery' is not a cognizable offence under any law of our Church, written or unwritten, statutory or prescriptive, and the only 'connexion with slavery' attempted to be established in his case, is expressly permitted by the Discipline in section 10th, part 2d, on slavery. If they claimed the right to declare in their legislative capacity, that 'such a connexion with slavery' was an offence in a bishop, they could only extend it to him *retrospectively by ex post facto enactment*, and even then it was not *promulgated* until the very moment in which they pronounced his sentence by a majority vote. But we cannot admit that the framers of our Discipline ever intended to subject a bishop to the monstrous injustice of being liable to be *expelled* by the General Conference, exercising original jurisdiction, for an *impropriety* short of immorality or official delinquency, whilst they so cautiously secured his official and personal rights in all cases where that body has appellate cognizance of charges for positive immoralities; and we are confident that a fair and rational construction of the 4th and 5th questions, and their answers in the 4th section of the 1st chapter of the Discipline, will make 'improper conduct,' in the answer to the 4th question, and 'immorality,' in the 5th, descriptive of the same class of offences in the mind of the lawmaker, who could never have intended to subject that venerable officer to expulsion for offences so light, that they could not be considered immoralities or official delinquencies, and so entirely depend-

ent for their very existence upon the caprice or varying notions of every General Conference, that they could not either be classified or designated.

"The foregoing views we consider the embodiment of public opinion throughout our conference. The sentiments of our people in primary meetings, in quarterly conferences, as expressed in the most solemn forms, sustain the course of our delegation in the General Conference, and approve and even demand an organization which shall transfer the slaveholding conferences from the jurisdiction of the North. The unanimity of the people we verily believe to be without a parallel in the history of Church action, and therefore feel ourselves perfectly justified in recommending to your body the adoption of the following resolutions, viz :—

"1. *Resolved*, That we will elect delegates to the convention to be held in Louisville, in Kentucky, on the 1st of May next, upon the basis of representation proposed and acted on by the other conferences ; viz., one delegate for every eleven members of our conference.

"2. *Resolved*, That our delegates be instructed to co-operate with the delegates from the other Southern and South-Western conferences, who shall be represented in the convention, in effecting the organization of a General Conference, which shall embrace those annual conferences, and in making all necessary arrangements for its going into operation, as soon as the acts of the said convention shall have been reported by the several delegations to their constituents, and accepted by them, according to such arrangements as may be made by the convention for carrying the same into effect.

"3. *Resolved*, That our delegates be instructed to use all prudent precautions to secure that portion of the Book Concern and Chartered Fund of the Methodist Episcopal Church, to which the annual conferences represented in the convention, shall be unitedly entitled, and all the property to which the several annual conferences are entitled to them severally ; and that to this end, they be requested to obtain the written opinions of one or more eminent lawyers ; but that in the event they must either abandon the property, or remain under the jurisdiction of the General Conference of the Methodist Episcopal Church, constituted as it now is, they be left to the exercise of a sound discretion in the premises

"4. *Resolved*, That our delegates make a report to this body at its next session, of all their acts and doings in the aforesaid convention, and this body shall not be bound by any arrangements therein made, until after it shall have accepted and approved them in conference assembled.

"5. *Resolved*, That our delegates be, and they are hereby instructed not to agree to any alterations in the Discipline of the Methodist Episcopal Church, but that the Discipline adopted under the new organization, shall be that known and recognised as the Discipline of the Methodist Episcopal Church in the United States, with such modifications only as are necessary formally to adapt it to the new organization.

"6. *Resolved*, That we consider ourselves as an integral part of the Methodist Episcopal Church in the United States, and that we have done no act, nor do we authorize any act to be done in our name, by which our title to be so considered shall be forfeited, unless in the event contemplated in the last clause of the third resolution it becomes necessary so to do.

"7. *Resolved*, That we highly appreciate the devotion of our venerable senior bishop to the constitution and Discipline of the Church, and his uncompromising firmness in maintaining both the one and the other, and hereby assure him of our increased confidence and affection.

"8. *Resolved*, That our beloved Bishop Andrew has endeared himself to the preachers and people of the Southern Church, by resisting the constitutional dictation of the majority of the late General Conference, and that we cordially approve his whole action in the case, and welcome him to the unrestricted exercise of his episcopal functions among us.

"9. *Resolved*, That the course of our delegates in the trying circumstances by which they were surrounded during the last session of the General Conference, meets our entire approbation.

"10. *Resolved*, That we concur in the alteration of the sixth restrictive rule, as recommended by the resolution of the General Conference.

"11. *Resolved*, That we do not concur with the Holston Conference in the resolution proposed by them, regarding it as tending only to embarrass the action of the convention, without the slightest promise of good to either division of the Church.

"L. Pierce, Thomas Samford, Ignatius A. Few, Samuel Anthony, Isaac Boring, George F. Pierce, Joan W. Talley, W. D. Matthews, J. B. Payne, Josiah Lewis."

"It was further resolved, that the bishops of the Methodist Episcopal Church be requested to attend the convention of Southern delegates to be held at Louisville in May next."

The following report was unanimously adopted by the Florida Conference :—

"The committee to whom was referred the subject of the action of the late General Conference in the cases of Bishop Andrew and F. A. Harding ; also the report of the committee of nine in the late General Conference on the subject of a peaceable separation of the Church ; also the resolution of the Holston Conference on the same subject, submit the following resolutions, to wit :—

"1. *Resolved*, That we disapprove of the course of the late General Conference in the cases of Bishop Andrew and F. A. Harding.

"2. That we heartily approve the proposed Plan of Separation as adopted by the General Conference, under which the Southern and South-Western conferences are authorized to unite in a distinct ecclesiastical connexion.

"3. That we are satisfied that the peace and success of the Church in the South demand a separate and distinct organization.

"4. That we commend and admire the firm and manly course pursued by Bishop Andrew under the trials he has had to encounter, and that we still regard him as possessing all his episcopal functions.

"5. That the course pursued by our venerable senior superintendent, Bishop Soule, in defending the Discipline of our Church, has served but to endear him to us more and more, and we heartily approve his course in inviting Bishop Andrew to assist him in his episcopal visitations.

"6. That we tender our warmest thanks to all those brethren who voted in the minority in Bishop Andrew's case.

"7. That we approve of the proposed convention to be held in Louisville the first of May next, and will proceed to elect delegates to said convention.

"8. That *we do not* concur in the resolution of the Holston Conference, proposing the election of delegates for forming a plan of compromise.

"9. That *we do* concur in the recommendation of the late General Conference for the change of the sixth article in the restrictive rules in the Book of Discipline, allowing an equitable *pro rata* division of the Book Concern.

"P. P. Smith, T. C. Benning, R. H. Lucky, J. W. Yarbrough, R. H. Howren, W. W. Griffin, A. Peeler, A. Martin, S. P. Richardson."

The Texas Conference adopted the following report and resolutions :—

"The committee to whom were referred certain acts of the late General Conference, causing and providing for a division of the Methodist Episcopal Church, or the General Conference thereof, and sundry communications pertaining thereto, have had the same under solemn and prayerful consideration, and beg leave to present the following report :—

"In view of the numerous expositions and arguments, *pro* and *con*, with which the Christian Advocates have teemed for some months, on the merits of the highly-important subject upon which your committee have been called to act, they presume that the conference is too well enlightened to need an elaborate and argumentative investigation of them, in their multifarious relations and bearings ; they, therefore, respectfully present the following resolutions, as the result of their deliberations :—

"*Resolved*, 1. That we approve of the course of the Southern and South-Western delegates in the late General Conference ; and that their independent and faithful discharge of duty, in a trying crisis, commands our admiration and merits our thanks.

"2. That we deeply deplore the increasingly-fearful controversy between the Northern and Southern divisions of the Methodist Episcopal Church, on the institution of domestic slavery, and that we will not cease to pray most fervently to the great Head of the Church for his gracious interposition in guiding this controversy to a happy issue.

"3. That we approve the appointment of a convention of delegates from the conferences in the slaveholding States, in the city of Louisville, on the first of May next,

by the Southern and South-Western delegates in the late General Conference ; and also, the ratio of representation proposed by said delegates—to wit, one delegate for every eleven members of the Conference ; and that we will elect delegates to the proposed convention upon said basis, to act under the following instructions, to wit : To endeavour to secure a compromise between the North and South ; to oppose a formal division of the Church before the General Conference of 1848, or a general convention can be convened to decide the present controversy. But should a division be deemed unavoidable, and be determined on by the convention, then, being well satisfied with the Discipline of the Church, as it is, we instruct our delegates not to support or favour any change in said Discipline, by said convention, other than to adapt its fiscal economy to the Southern organization.

“4. That we approve of the dignified and prudent course of the bench of bishops, who presided in the late General Conference.

“5. That it is the sense of this conference, that the Rev. John Clarke, one of our delegates to the late General Conference, entirely misrepresented our views and sentiments, in his votes in the cases of Rev. F. A. Harding and Bishop Andrew.

“6. That we appoint the Friday immediately preceding the meeting of the proposed general convention of the delegates of the Southern and South-Western conferences, as a day of fasting and prayer for the blessing of Almighty God on said convention, that it may be favoured with the healthful influence of his grace, and the guidance of his wisdom.

“Chauncey Richardson, Robert Alexander, Samuel A. Williams :”

The Alabama Conference adopted the following preamble and resolutions —

“The committee appointed by the conference to take into consideration the subject of a separate jurisdiction for the Southern conferences of the Methodist Episcopal Church, beg leave to report : That they have meditated with prayerful solicitude on this important matter, and have solemnly concluded on the necessity of the measure. They suppose it to be superfluous to review formally all the proceedings which constitute the unhappy controversy between the Northern and Southern portions of our Church, inasmuch as their sentiments can be expressed in one sentence, —They endorse the unanswerable Protest of the minority in the late General Conference. They believe that the doctrines of that imperishable document cannot be successfully assailed. They are firm in the conviction that the action of the majority in the case of Bishop Andrew was unconstitutional. Being but a delegated body, the General Conference has no legitimate right to tamper with the office of a general superintendent—his amenableness to that body and liability to expulsion by it, having exclusive reference to mal-administration, ceasing to travel, and immoral conduct. They are of opinion that Bishop Andrew's connexion with slavery can come under none of these heads. If the entire eldership of the Church, in a conventional capacity, were to constitute non-slaveholding or even abolitionism a tenure by which the episcopal office should be held, or if they were to abolish the office, they doubtless could plead the abstract right thus to modify or revolutionize the Church in its supreme executive administration ; but before the General Conference can justly plead this right, it must show when and where such plenary power was delegated to it by the *only fountain of authority—the entire pastorate of the Church*. Your committee are, therefore, of opinion, that the General Conference has no more power over a bishop, except in the specified cases of mal-administration, ceasing to travel, and immorality, than over the episcopacy, as an integral part of our ecclesiastical polity. It can no more depose a bishop for slaveholding than it can create a new Church.

“Your committee deeply regret that these ‘conservative’ sentiments did not occur to the majority in the late General Conference, and that the apologists of that body, since its session, have given them no place in their ecclesiastical creed, but on the contrary have given fearful evidence that the proceedings in the case of Bishop Andrew are but the inception of a course, which, when finished, will leave not a solitary slaveholder in the communion which shall be unfortunately under their control. The foregoing sentiments and opinions embody the general views expressed most unequivocally throughout the conference district since the late General Conference, by the large body of the membership, both in *primary meetings* and *quarterly conferences*.

"The committee, therefore, offer to the calm consideration and mature action of the Alabama Annual Conference, the following series of resolutions :—

"1. *Resolved*, That this conference deeply deplores the action of the late General Conference of the Methodist Episcopal Church in the case of our venerable superintendent, Bishop Andrew, believing it to be unconstitutional, being as totally destitute of warrant from the Discipline as from the word of God.

"2. That the almost-unanimous agreement of Northern Methodists with the majority, and Southern Methodists with the minority of the late General Conference, shows the wisdom of that body in suggesting a duality of jurisdiction to meet the present emergency.

"3. That this conference agrees to the proposition for the alteration of the sixth restrictive rule of the Discipline.

"4. That this conference approves of the projected convention at Louisville, in May next.

"5. That this conference most respectfully invites all the bishops to attend the proposed convention at Louisville.

"6. That this conference is decided in its attachment to Methodism, as it exists in the Book of Discipline, and hopes that the Louisville convention will not make the slightest alteration, except so far as may be absolutely necessary for the formation of a separate jurisdiction.

"7. That every preacher of this conference shall take up a collection in his station or circuit, as soon as practicable, to defray the expenses of the delegates to the convention; and the proceeds of such collection shall be immediately paid over to the nearest delegate or presiding elder, and the excess or deficit of the collection for the said expenses shall be reported to the next conference, which shall take action on the same.

"8. That the Friday immediately preceding the session of the convention, shall be observed in all our circuits and stations, as a day of fasting and prayer for the blessings of God upon its deliberations.

"9. That whilst this conference fully appreciates the commendable motives which induced the Holston Conference to suggest another expedient to compromise the differences existing between the Northern and Southern divisions of the Church, it nevertheless cannot concur in the proposition of that conference concerning that matter.

"10. That this conference fully recognises the right of our excellent superintendent, Bishop Soule, to invite Bishop Andrew to share with him the responsibilities of the episcopal office; and while the conference regrets the absence of the *former*, it rejoices in being favoured with the efficient services of the *latter*—it respectfully tenders these 'true yoke-fellows' in the superintendency the fullest approbation, the most fervent prayers, and the most cordial sympathies.

"Thos. O. Summers, A. H. Mitchell, E. V. Levert, J. Hamilton, E. Hearn, W. Murrah, J. Boring, Geo. Shaeffer, C. McLeod."

Bishop Soule's letter of adhesion, and Bishop Andrew's letter, both of which were addressed to the convention at Louisville, are as follows :—

"DEAR BRETHREN,—I feel myself bound in good faith, to carry out the official plan of episcopal visitations as settled by the bishops in New-York, and published in the official papers of the Church, until the session of the first General Conference of the Methodist Episcopal Church, South; from which time it would be necessary that the plan should be so changed as to be accommodated to the jurisdiction of the two distinct General Conferences. That when such Southern General Conference shall be held, I shall feel myself fully authorized by the Plan of Separation, adopted by the General Conference of 1844, to unite myself with the Methodist Episcopal Church, South, and if received by the General Conference of said Church, to exercise the functions of the episcopal office within the jurisdiction of said General Conference.

"*Louisville, Ky., May 19, 1845.*

JOSHUA SOULE."

"DEAR BRETHREN,—I decidedly approve the course which the convention has taken in establishing the Methodist Episcopal Church, South, believing, as I do most sincerely, that it will tend, under God's blessing, to the wider spread and more efficient propagation of the Gospel of the grace of God. I accept the invitation of the

convention to act as one of the superintendents of the Methodist Episcopal Church, South, and pledge myself, in humble dependence upon Divine grace, to use my best efforts to promote the cause of God in the interesting and extensive field of labour assigned me.

"May the blessing of God be upon us mutually, in our laborious field of action, and, finally, may we all, with our several charges, be gathered to the home of God and the good in heaven! Affectionately your brother and fellow-labourer,

"*Louisville, May, 1845.*

JAMES O. ANDREW."

The Pastoral Address referred to by Mr. Lord was in these words :—

"To the ministers of the several annual conferences of the Methodist Episcopal Church, South, and to all the brethren of their pastoral oversight, the convention of said annual conferences address this letter, with Christian salutation.

"We gratefully regard it matter of congratulation, beloved brethren, for which our thanks should be offered at the throne of grace, that we have been enabled to conduct the business confided to us by you, with great harmony, and except, perhaps, some inconsiderable shades of difference on points of minor import, with unexampled unanimity. Our agreement on all questions of importance, has probably been as perfect as the weakness of human knowledge might allow, or reason should require.

"For full information of all that we have done, we refer you to the journal of our proceedings, and the documents which accompany it; particularly the reports of the committee on organization and on missions. This latter interest we have made the subject of a special letter, wishing to bring it immediately to the notice of all our Churches and congregations, (to whom we have requested the letter might be read,) to engage their instant liberality.

"We made it a point of early inquiry, in the course of our proceedings, to ascertain with what unanimity the annual conferences represented by us, and the entire body of the ministry and membership within their general bounds, were known to have concurred in sustaining the Declaration of the Southern delegates in the late General Conference, and in approving of the Plan provided by that Conference for our being constituted a distinct ecclesiastical connexion, separate from the North. The committee on organization, being composed of two members from each of the annual conferences, was furnished with ample means of obtaining satisfactory information. The members of the committee held meetings with their several delegations apart, and on a comparison of their several reports carefully made, it was found, that both as to the members of the annual conferences, and the local ministry and membership of our entire territory, the declaration had been sustained, and a separate organization called for, by as great majority as *ninety-five to five*. Nor did it appear that *even five in a hundred* were disposed to array themselves against their brethren, whose interests were identical with their own; but that part were Northern brethren sojourning in our borders, and part were dwelling in sections of the country where the questions involved did not materially concern their Christian privileges, or those of the slaves among them. So great appears to have been the unanimity of opinion prevailing, both among the pastors and the people, as to the urgent necessity of the great measure which we were deputed to effect, by organizing on the basis of the Discipline, and the Plan provided by the late General Conference, **THE METHODIST EPISCOPAL CHURCH, SOUTH.**

"That on so grave a question, concerning interests so sacred, and affecting so numerous a people, spread over the vast extent of the country from Missouri to the Atlantic Ocean, and from Virginia to Texas, there should be found some who dissent, is what we could not but expect. But that the number dissenting should have been so small, compared to the number of those who have required us to act, is, at least to our minds, conclusive proof of the absolute necessity of this action, as affording the only means left in our power to preserve the Church in the more Southern States from hopeless ruin. Indeed the action of the late General Conference, without the intervention of the Declaration of the Southern delegates, and the provisional Plan for a separate Southern connexion, must have immediately broken up all our missions to the people of colour, and subjected their classes in most of the Southern circuits to ruinous deprivations. Of this, the evidence has been unquestionable. And it must appear to you, brethren, that for whatever reason so great an evil was threatened for a cause which the Southern delegates did nothing to produce, but re-

sisted in the General Conference, *that* evil could not fail of being inflicted with redoubled violence, and to a still greater extent, if we, having a platform legally furnished for a separate organization, should hesitate a moment to avail ourselves of it. It would be, in effect, to put ourselves, in relation to the laws and policy of the Southern people, in the same position which was so injuriously offensive in our Northern brethren, while it could not be plead in extenuation of the fault, that we were Northern men, and ignorant of the state of affairs at the South. Into such a position we could not possibly put ourselves; nor can we think that reasonable men would require us to do so.

"We avow, brethren, and we do it with the greatest solemnity, that while we have thus been laid under the imperative force of an absolute necessity to organize the Southern and South-Western conferences into an independent ecclesiastical connexion, whose jurisdiction shall be exclusive of all interference on the part of the North, we do not withdraw from the true Christian and catholic pale of the Methodist Episcopal Church. And that whilst we have complained, with grievous cause, of the power of the majority of the General Conference, as that power has been construed and exercised, we have not complained, and have no complaint, against the Church in itself. The General Conference, or a majority thereof, is not the Church. Nor is it possible that that should be the Methodist Episcopal Church, which withdraws the ministry of the Gospel from the poor, and turns her aside from her calling of God, 'to spread Scripture holiness over these lands,' in order to fulfil some other errand, no matter what. We could not be Methodists at all, as we have been taught what Methodism is, if, with our knowledge of its nature, its aim, its constitution, its discipline, and of the ruin inevitable to the work of the ministry in most of the Southern States, if not in all of them, we should still cleave to a Northern jurisdiction; we nevertheless could not be persuaded to yield the Gospel for a jurisdictional affinity with brethren, who, we believe in our hearts, cannot govern us without great injury to the cause of Christ in most parts of our work. If we err, it is the spirit of Methodism which prompts us to the error. We 'call God for a record,' that, as far as we know our hearts, we intend nothing, we desire nothing, we do nothing, having any other object or aim, but that the Gospel may be preached, without let or hindrance, in all parts of our country, and especially to the poor. There is nothing belonging of right to the Church—her doctrines, her discipline, her economy, her usages, her efficiency—which we do not cherish in our inmost hearts. It is not the Church, not anything proper to the Church, in her character as Christ's body, and consecrated to the promotion of his cause in the earth, which we would disown, or depart from, or oppose; but only such a position *in* the Church as some of her sons would force us into, antagonistic to her principles, her policy, and her calling of God. Nor yet can we be charged with any factious or schismatic opposition to the General Conference, for we have done nothing, and mean to do nothing, not authorized by express enactment of that body, in view of the very emergency which compels our action.

"It had been too much to expect, considering the weakness of men, that, suddenly roused to resistance, as the Southern Churches were, by the unlooked-for action in the cases of Bishop Andrew and brother Harding, there should not, in some instances, have escaped expressions of resentment and unkindness. Or that, put to the defence of the majority of the General Conference, where the evil complained of was so serious, the advocates of that majority should not sometimes have expressed themselves in terms which seemed harsh and unjust. We deeply deplore it, and pray that, for the time to come, such exhibitions of a mortifying frailty may give place to Christian moderation. We invoke the spirit of peace and holiness. That brother shall be esteemed as deserving best, who shall do most for the promotion of peace. Surely this is a time of all others, in our day, when we should seek and pursue peace. A continuance of strife between North and South must prove prejudicial on both sides. The separation is made—formally, legally made—and let peace ensue. In Christ's name let there be peace. Whatever is needful to be done, or worth the doing, may be done in peace. We especially exhort brethren of the border conferences and societies, to forbear each other in love, and labour after peace. Let every one abide by the law of the General Conference, with respect to our bounds, and choose for himself with Christian temper, and permit others to choose without molestation, between North and South. Our chief care should be to maintain 'the unity of the Spirit in the bond of peace.' Methodism, preserved in what makes it one the world over—the purity of its doctrines, the efficiency of its discipline, its unworldliness, its zeal for God, its

self-devotion—is of infinitely greater value than a question of boundary or General Conference jurisdiction merely.

“And now, brethren, beseeching you to receive the word of exhortation which we have herein briefly addressed to you, and humbly invoking the blessings of God upon you, according to the riches of his grace in Christ our Lord, praying for you, as we always do, that you may abound in every good work, and confiding in your prayers for us, that we may be found one with you in faith and charity at the appearing of Jesus Christ, we take leave of you, and return from the work which we have now fulfilled, to renew our labours with you and among you in the Lord.

“JAMES O. ANDREW, *President*.

“THOMAS O. SUMMERS, *Secretary*.

“LOUISVILLE, *Kentucky*, May 16, 1845.”

The report of the Committee on Organization, on page 67, which Mr. Lord commended to the attention of the Court as an able document, containing nearly all the argument on that side, is in these words :—

“The committee appointed to inquire into the propriety and necessity of a separate organization of the annual conferences of the Methodist Episcopal Church in the slaveholding States, for the purpose of a separate General Conference connexion and jurisdiction, within the limits of said States and conferences, having had the entire subject under careful and patient consideration, together with the numerous petitions, instructions, resolutions, and propositions for adjustment and compromise, referred to them by the convention, offer the following as their

“REPORT.

“In view of the extent to which the great questions in controversy, between the North and the South of the Methodist Episcopal Church, have been discussed, and by consequence must be understood by the parties more immediately interested, it has not been deemed necessary by the committee to enter into any formal or elaborate examination of the general subject, beyond a plain and comprehensive statement of the facts and principles involved, which may place it in the power of all concerned, to do justice to the convictions and motives of the Southern portion of the Church, in resisting the action of the late General Conference on the subject of slavery, and its unconstitutional assumption of right and power in other respects; and also presenting, in a form as brief and lucid as possible, some of the principal grounds of action, had in view by the South, in favouring the provisional Plan of Separation, adopted by the General Conference at its last session.

“On the subject of the legitimate right, and the full and proper authority of the convention to institute, determine, and finally act upon the inquiry, referred to the committee to deliberate and report upon, the committee entertain no doubt whatever. Apart from every other consideration which might be brought to bear upon the question, the General Conference of 1844, in the Plan of jurisdictional Separation adopted by that body, gave full and express authority to ‘the annual conferences in the slaveholding States,’ to judge of the propriety, and decide upon the necessity, of organizing a ‘separate ecclesiastical connexion’ in the South. And not only did the General Conference invest this right in ‘the annual conferences in the slaveholding States,’ without limitation or reserve, as to the *extent* of the investment, and *exclusively* with regard to every other division of the Church, and all other branches or powers of the government, but left the method of official determination and the mode of action, in the exercise or assertion of the right, to the free and untrammelled discretion of the conferences interested. These conferences, thus accredited by the General Conference to judge and act for themselves, confided the right and trust of decision and action, in the premises, to delegates regularly chosen by these bodies respectively, upon a uniform principle and fixed ratio of representation, previously agreed upon by each, in constitutional session, and directed them to meet in general convention, in the city of Louisville, May, 1845, for this and other purposes, authorized by the General Conference, at the same time and in the same way. All the right and power, therefore, of the General Conference, in any way connected with the important decision in question, were duly and formally transferred to ‘the annual conferences in the slaveholding States,’ and exclusively invested in them. And as this investment

was obviously for the purpose, that such right and power might be exercised by them, in any mode they might prefer, not inconsistent with the terms and conditions of the investment, the delegates thus chosen, one hundred in number, and representing sixteen annual conferences, under commission of the General Conference, here and now assembled in convention, have not only all the right and power of the General Conference, as transferred to 'the annual conferences in the slaveholding States,' but in addition, all the right and power of necessity inherent in these bodies, as constituent parties, giving birth and power to the General Conference itself, as the common federal council of the Church. It follows hence, that for all the purposes specified and understood in this preliminary view of the subject, the convention possesses all the right and power, both of the General Conference and the sixteen 'annual conferences in the slaveholding States,' jointly and severally considered. The ecclesiastical and conventional right, therefore, of this body, to act in the premises, and act conclusively, irrespective of the whole Church, and all its powers of government beside, is clear and undoubted. As the *moral* right, however, to act as proposed in the General Conference Plan of jurisdictional Separation, rests upon entirely different grounds, and will perhaps be considered as furnishing the only allowable warrant of action, notwithstanding constitutional right, it may be necessary at least to glance at the grave moral reasons, creating the necessity, the high moral compulsions, by which the Southern conferences and Church have been impelled to the course of action, which it is the intention of this report to explain and vindicate, as not only right and reasonable, but indispensable to the character and welfare of Southern Methodism.

"The preceding statements and reasoning, present no new principle or form of action in the history of the Church. Numerous instances might be cited, in the constitutional history of Church polity, in which high moral necessity, in the absence of any recognised conventional right, has furnished the only and yet sufficient warrant for ecclesiastical movements and arrangements, precisely similar in character with that contemplated in the plan of a separate Southern Connexion of the Methodist Episcopal Church, adopted by the late General Conference. Wesleyan Methodism, in all its phases and aspects, is a most pertinent illustration of the truth we assume, and the fitness and force of the example must go far to preclude the necessity of any other proof. It was on the specific basis of such necessity, without conventional right, that the great Wesleyan Conference arose in England. It was upon the same basis, as avowed by Wesley, that the American Connexion became separate and independent, and this Connexion again avows the same principle of action, in the separation and establishment of a Methodist Episcopal Church in Canada, whose organization took place by permission and direction of the same authority, under which this convention is now acting for a similar purpose.

"Should it appear in the premises of the action proposed, that a high moral and religious duty is devolved upon the ministry and membership of the Methodist Episcopal Church, in the South,—devolved upon us by the Great Head of the Church, and the providential appointments of our social condition, which we cannot neglect without infidelity to a high moral trust, but which we cannot fulfil in connexional union with the Northern portion of the Church, under the same General Conference jurisdiction, owing to causes connected with the civil institutions of the country, and beyond the control of the Church,—*then* a strong moral necessity is laid upon us, which assumes the commanding character of a positive duty, under sanction of Divine right, to dissolve the ties and bonds of a single General Conference jurisdiction, and in its place substitute one in the South, which will not obstruct us in the performance of duty, or prevent us from accomplishing the great objects of the Christian ministry and Church organization. From a careful survey of the entire field of facts and their relations—the whole range of cause and effect, as connected with the subject-matter of this report—it is confidently believed that the great warrant of *moral necessity*, not less than unquestionable ecclesiastical right, fully justified this convention in the position they are about to take, as a separate organic division of the Methodist Episcopal Church, by authority of its chief synod,—'the delegates of all the several annual conferences in General Conference assembled.' One of the two main issues, which have decided the action of the Southern conferences, relates, as all know, to the assumed right of the Church to control the question of slavery, by means of the ordinary and fluctuating provisions of Church legislation, without reference to the superior control of State policy and civil law. From all the evidence accessible in the case, the great masses of the ministry and membership of the Me-

thodist Episcopal Church, North and South, present an irreconcilable opposition of conviction and feeling on the subject of slavery, so far as relates to the rights of the Church to interfere with the question—the one claiming unlimited right of interference to the full extent the Church may, at any time or from any cause, be concerned; and the other resisting alike the assumption or exercise of any such right, because, in nearly all the slaveholding States, such a course of action must bring the Church in direct conflict with the civil authority, to which the Church has pledged subjection and support in the most solemn and explicit forms, and from the obligations of which she cannot retreat without dishonouring her own laws, and the neglect and violation of some of the plain and most imperative requirements of Christianity. Under such circumstances of disagreement—in such a state of adverse conviction and feeling on the part of the North and South of the Church—it is believed that the two great sections of the Church, thus situated, in relation to each other, by causes beyond the control of either party, cannot remain together and successfully prosecute the high and common aims of the Christian ministry and Church organization, under the same General Conference jurisdiction. The manifest want of uniformity of opinion and harmony of co-operation, must always lead, as heretofore, to struggles and results directly inconsistent with the original intention of the Church, in establishing a common jurisdiction, to control all its general interests. And should it appear that, by a division and future duality of such jurisdiction, as authorized by the late General Conference, the original purposes of the Church can better be accomplished, or rather, that they can be accomplished in no other way, how can the true and proper unity of the Church be maintained except by yielding to the necessity, and having a separate General Conference jurisdiction for each division? By the Southern portion of the Church generally, slavery is regarded as strictly a civil institution, exclusively in custody of the civil power, and as a regulation of State beyond the reach of Church interference or control, except as civil law and right may be infringed by ecclesiastical assumption. By the Northern portion of the Church, individuals are held responsible for the alleged *injustice* and *evil* of relations and rights, created and protected by the organic and municipal laws of the government and country, and which relations and rights, in more than two-thirds of the slaveholding States, are not under individual control in any sense or to any extent.

“Both portions of the Church are presumed to act from principle and conviction, and cannot, therefore, recede; and *how*, under *such* circumstances, is it possible to prevent the most fearful disunion, with all the attendant evils of contention and strife, except by allowing each section a separate and independent jurisdiction, the same in character and purpose with the one to which both have hitherto been subject? What fact, truth, or principle, not merely of human origin, and therefore of doubtful authority, can be urged, as interposing any reasonable obstacle to a change of jurisdiction, merely *modal* in character, and simply designed to adapt a single principle of Church government, not pretended to be of Divine obligation or Scripture origin, to the character and features of the civil government of the country? Nothing essential to Church organization; nothing essentially distinctive of Methodism,—even American Methodism,—is proposed to be disturbed, or even touched, by the arrangement. It is a simple division of general jurisdiction, for strong moral reasons, arising out of the civil relations and position of the parties, intending to accomplish for both, what it is demonstrated by experiment cannot be accomplished by one common jurisdiction, as now constituted, and should, therefore, under the stress of such moral necessity, be attempted in some other way.

“The question of slavery, more or less intimately interwoven with the interests and destiny of nine millions of human beings, in the United States, is certainly of sufficient importance, coming up as it has in the recent history of the Methodist Episcopal Church, and as it does in the deliberations of this convention, to authorize any merely *modal* or even organic changes in the government of the Church, should it appear obvious that the original and avowed purposes of the Church will be more effectively secured and promoted by the change proposed, than by continuing the present or former system. The evidence before the committee, establishes the fact in the clearest manner possible, that, throughout the Southern conferences, the ministry and membership of the Church, amounting to nearly 500,000, in the proportion of about ninety-five in the hundred, deem a division of jurisdiction indispensable to the welfare of the Church, in the Southern and South-Western conferences of the slaveholding States; and this fact alone, must go far to establish the

right, while it demonstrates the *necessity*, of the separate jurisdiction, contemplated in the Plan of General Conference, and adopted by that body in view of such necessity, as likely to exist. The interests of State, civil law, and public opinion, in the South, imperiously require, that the Southern portion of the Church shall have no part in the *discussion* and agitation of this subject in the chief councils of the Church. In this opinion, nearly universal in the South, we *concur*.

"Christ and his apostles—Christianity and its inspired and early teachers—found slavery in its most offensive and aggravated forms, as a civil institution, diffused and existing throughout nearly the entire field of their administrations and influence; and yet, in the New Testament and earlier records of the Church, we have no legislation—no interference—no denunciation with regard to it, not even remonstrance against it. They found it wrought up and vitally intermingled with the whole machinery of civil government and order of society—so implicated with 'the powers that be,' that Infinite Wisdom, and the early pastoral guides of the Church, saw just reason why the Church should not interfere beyond a plain and urgent enforcement of the various duties growing out of the peculiar relation of master and slave, leaving *the relation* itself, as a civil arrangement, untouched and unaffected, except so far as it seems obviously to have been the Divine purpose to remove every form and degree of wrong and evil connected with the institutions of human government, by a faithful inculcation of the doctrines and duties of Christianity, without meddling in any way with the civil polity of the countries into which it was introduced. A course precisely similar to this, the example of which should have been more attractive, was pursued by the great founder of Methodism, in all slaveholding countries in which the established societies. Mr. Wesley never deemed it proper to have any rule, law, or regulation on the subject of slavery, either in the United States, the West Indies, or elsewhere. The effects of the early and unfortunate attempts of the Methodist Church to meddle and interfere, in the *legislation* and *practice* of government and discipline, with the institution of slavery in the United States, are too well known to require comment. Among the more immediate results of this short-sighted, disastrous imprudence, especially from 1780 to 1804, may be mentioned the watchful jealousy of civil government, and the loss of public confidence throughout a very large and influential portion of the whole Southern community. These, and similar developments, led the Church, by the most careful and considerate steps, to the adoption, gradually, of a medium compromise course of legislation on the subject; until the law of slavery, as it now exists in the *letter* of Discipline, became, by the latest material act of legislation in 1816, the great compromise bond of union between the North and the South on the subject of slavery. The whole law of the Church—all there is in the statute-book, to govern North and South on this subject—is the following:—*First*: 'The general rule, which simply prohibits 'the buying or selling of men, women, or children, with an *intention to enslave them*.' *Second*: 'No slaveholder shall be eligible to any official station in our Church hereafter, where the laws of the State in which he lives admit of emancipation, and permit the liberated slave to enjoy freedom. When any travelling preacher becomes an owner of a slave or slaves, by any means, he shall forfeit his ministerial character in our Church, unless he execute, if it be practicable, a legal emancipation of such slaves, conformably to the laws of the State in which he lives.'

"Here is the law, the *whole*, the *only* law of the Church, containing, first, a *prohibition*, and, second, a *grant*. The prohibition is, that no member or minister of the Church, is allowed to purchase or sell a human being, who is to be *enslaved*, or *reduced to a state of slavery*, by such purchase or sale. And further, that no minister, in *any of the grades* of ministerial office, or other person, having official standing in the Church, can, if he be the owner of a slave, be allowed to sustain such official relation to the Church, unless he shall legally provide for the emancipation of such slave or slaves, if the laws of the State in which he lives will admit of legal emancipation, and permit the liberated slave to enjoy freedom. Such is the plain *prohibition* of law, binding upon all. The *grant* of the law, however, is equally plain and unquestionable. It is, that persons *may* purchase or sell men, women, or children, provided such purchase or sale does not involve the fact or intention of enslaving them, or of *reducing the subjects* of such purchase or sale to a *state of slavery*. The intention of the law no doubt is, that this may be done from motives of humanity, and not by any means for the purpose of gain. But further, the law distinctly provides, that every minister, in *whatever grade of office*, and every person having

official standing of any kind in the Methodist Episcopal Church, being the owner or owners of slave property, shall be protected against any forfeiture of right, on this account, where the laws of the State do not admit of legal emancipation, and allow the liberated slave to enjoy freedom in the State in which he is emancipated. Here is the plain *grant of law* to which we allude. From the first agitation of the subject of slavery in the Church, the Northern portion of it has been disposed to insist upon further *prohibitory* enactments. The South, meanwhile, has always shown itself ready to go as far, by way of prohibition, as the law in question implies, but has uniformly resisted any attempt to impair Southern rights under protection of the grant of law to which we have asked attention. Under such circumstances of disagreement and difficulty, the conventional and legislative adjustment of the question, as found in the General Rule, but especially the tenth section of the Discipline, was brought about, and has always been regarded in the South as a great compromise arrangement, without strict adherence to which, the North and the South could not remain together under the same general jurisdiction. That we have not mistaken the character of the law, or misconstrued the intention and purposes of its enactment, at different times, we think entirely demonstrable from the whole history both of the legislation of the Church and the judicial and executive administration of the government. The full force and bearing of the law, however, were more distinctly brought in view, and authoritatively asserted, by the General Conference of 1840, after the most careful examination of the whole subject, and the judicial determination of that body, connected with the language of the Discipline, just quoted, gives in still clearer light *the true and only law of the Church* on the subject of slavery. After deciding various other principles and positions incidental to the main question, the decision is summed up in the following words:—‘While the general rule (or law) on the subject of slavery, relating to those States whose laws admit of emancipation, and permit the liberated slave to enjoy freedom, should be firmly and constantly enforced, the exception to the general rule (or law) applying to those States where emancipation, as defined above, is *not practicable*, should be recognised and protected with equal firmness and impartiality; therefore—

“*Resolved by the several annual conferences in General Conference assembled, That under the provisional exception of the general rule (or law) of the Church, on the subject of slavery, the simple holding of slaves, or mere ownership of slave property, in States or Territories where the laws do not admit of emancipation and permit the liberated slave to enjoy freedom, constitutes no legal barrier to the election or ordination of ministers to the various grades of office known in the ministry of the Methodist Episcopal Church, and cannot, therefore, be considered as operating any forfeiture of right, in view of such election and ordination.*’ This decision of the General Conference was not objected to or dissented from by a single member of that body. It was the unanimous voice of the great representative and judicial council of the Church, then acting in the character of a high court of appeals for the decision of an important legal question. It will be perceived how strikingly the language of this decision accords with *both* the features of the law of slavery which we have thought important to notice—the *prohibition* and the *grant* of law in the case; what *may not* be done as the general rule, and at the same time what *may be done*, under the provisional exception to the general law, without forfeiture of right of any kind. It is also worthy of particular notice, that besides the plain assurance of the original law, that where emancipation is not legally practicable, and the emancipated slave allowed to enjoy freedom, or where it is practicable to emancipate, but the emancipated slave cannot enjoy freedom, emancipation is not required of any owner of slaves in the Methodist Episcopal Church, from the lowest officer up to the bishop, but the rights of all thus circumstanced are protected and secured, notwithstanding their connexion with slavery. Besides this, the full and elaborate decision of the General Conference, as a grave and formal adjudication had upon all the issues involved in the question, published to all who where in, or might be disposed to enter the Church, that the law of slavery applied to States where emancipation is impracticable, and the freed slave not allowed to enjoy freedom, this clear and unambiguous decision, by the highest authority of the Church, *leaves* the owner of slaves upon the ground—upon a basis—of the most perfect equality with *other* ministers of the Church having no connexion with slavery. Such, then, is the law; such its construction; such the official and solemn pledge of the Church. And these had, to a great extent, restored the lost confidence and allayed the jealous apprehensions of the South, in relation

to the purposes of the Church respecting slavery. There was in the South no disposition to disturb, discuss, or in any way agitate the subject. The law was not objected to or complained of, but was regarded as a settled compromise between the parties, a medium arrangement on the ground of mutual concession, well calculated to secure and promote the best interests of the Church, North and South.

"That this law—this great compromise conservative arrangement, which had been looked to as the only reliable bond of jurisdictional union between the North and South for nearly half a century—was practically disregarded and abandoned by the last General Conference, in the memorable cases of Harding and Andrew, both by judicial construction and virtual legislation, manifestly inconsistent with its provisions and purposes, and subversive of the great objects of its enactment, has been too fearfully demonstrated by various forms of proof, to require more than a brief notice in this report. The actual position of the Church was suddenly reversed, and its long-established policy entirely changed. The whole law of the Church and the most important adjudications had upon it, were treated as null and obsolete, and that body proceeded to a claim of right, and course of action, amounting to a virtual repeal of all law, and new and capricious legislation on the most difficult and delicate question ever introduced into the councils of the Church, or named upon its statute-book.

"By no fair construction of the law of slavery as given above, could the Church be brought in conflict with civil legislation on the subject. It is true, as demanded by the convictions and opinions of the Church, testimony was borne against the evil of slavery, but it was done without conflicting with the polity and laws of any portion of the country. No law, for example, affected the lay-membership of the Church with regard to slaveholding; the Church gave its full permission that the private members of the Church might own and hold slaves at discretion; and the inference is indubitable, that the Church did not consider simple slaveholding *as a moral evil*, personally attaching to the mere fact of being the owner or holder of slaves. The evil charged upon slavery must of necessity have been understood of other aspects of the subject, and could not imply moral obliquity, without impeaching the integrity and virtue of the Church. Moreover, where the laws precluded emancipation, the ministry were subjected to no disabilities of any kind, and the requirements of the Church, in relation to slavery, were not at least in anything like direct conflict with civil law. In contravention, however, of the plain and long-established law of the Church, the action of the General Conference of 1844, in the well-known instances cited, brought the Church into a state of direct and violent antagonism with the civil authority and the rights of citizenship, throughout all the slaveholding States. This was not done by the repeal of existing law, or additional legislation by direct enactment, but in a much more dangerous form, by the simple process of resolution by an irresponsible majority, requiring Southern ministers as slaveholders, in order to Church eligibility and equality of right with non-slaveholding ministers of the Church, to do what cannot be done without a violation of the laws of the States in which they reside, and is not required or contemplated, but expressly excepted, and even provided against, by the law of the Church.

"It will thus appear that the entire action of the General Conference on the subject of slavery, was in direct conflict with the law, both of the Church and the land, and could not have been submitted to by the South, without the most serious detriment to the interests of the Church. The action in the instance of Bishop Andrew, was, in the strongest and most exceptionable sense, extra-judicial. It was not pretended that Bishop Andrew had violated any law of the Church; so far from this, the only law applicable to the case, gave, as we have seen, ample and explicit assurance of protection. So to construe law, or so proceed to act without reference to law, as to abstract from it its whole protective power, and deprive it of all its conservative tendencies in the system, is one of the most dangerous forms of legal injustice, and, as a principle of action, must be considered as subversive of all order and government. The late General Conference required of Bishop Andrew, the same being equally true in the case of Harding, as the condition of his being acceptable to the Church, the surrender of rights secured to him, both by civil and ecclesiastical law. The purposes of law were contravened and destroyed, and its prerogative and place usurped by mere opinion.

"The requisition in the case was not only extra-judicial, being made in the absence of anything like law authorizing the measure, but being made at the same time against law, it was usurpation; and so far as the proceeding complained of is intend-

ed to establish a principle of action with regard to the future, it gives to the General Conference all the attributes of a despotism, claiming the right to govern *without, above, and against law*. The doctrine avowed at the late General Conference, and practically endorsed by the majority, that that body may, by simple resolution, advisory, punitive, or declaratory, repeal an existing law in relation to a particular case, leaving it in full force with regard to other cases; or may enact a new and different law, and apply it judicially to the individual case, which led to the enactment, and all in a moment, by a single elevation of the hand, is a position, a doctrine so utterly revolutionary and disorganizing, as to place in jeopardy at once, both the interests and reputation of the Church. The action in the case of Bishop Andrew, not only assumed the character, and usurped the place of law, but was clearly an instance of *ex post facto* legislation, by making that an offence after the act, which was not such before. The conduct charged as an offence, was at the time, and continues to be, under the full protection of a well-understood and standing law of the Church, and yet this conduct was made criminal and punishable by the retrospective action of the Conference to which we allude. The officially-expressed will of the General Conference, intended to govern and circumscribe the conduct of Bishop Andrew, without reference to existing law, and indeed contrary to it, was made the rule of action, and he found guilty of its violation, by acts done before he was made acquainted with it. The conduct charged was in perfect consistency with the law of the Church, and could only be wrought into an offence by an *ex post facto* bearing of the after action of the General Conference.

"Bishop Andrew became the owner of slave property involuntarily, several years before his marriage, and as the *fact*, and not the *extent* of his connexion with slavery, constituted his offence, it follows, that for a relation in which he was placed by the action of others, and the operation of civil law, and in which, as a citizen of Georgia, he was compelled to remain, or be brought in conflict with the laws of the State, he *was*, in violation of the pledge of public law, as we have shown, arrested and punished by the General Conference. That body, by direct requirement, such at least by implication, commanded him to free his slaves, or suffer official degradation. The law of Georgia required him to hold his slaves, or transfer them to be held as such by others, under heavy and painful penalties to master and slave. To avoid ecclesiastical punishment and disability, the Church required him either to leave the State of his residence, or violate its laws. In this way, taking the judicial decision in Harding's case, and the anomalous action in Bishop Andrew's, the Church is placed in most offensive conflict with the civil authority of the state. Can any country or government safely allow the Church to enforce disobedience to civil law, as a Christian duty? If such attempts are made to subordinate the civil interests of the state to the schemes and purposes of Church innovation, prompted and sustained by the bigotry and fanaticism of large masses of ignorant and misguided zealots engaged in the conflict in the name of God and conscience, and for the ostensible purposes of religious reform, what can be the stability of civil government, or the hopes of those seeking its protection? And what, we ask, must be the interests of the South, in connexion with such movements?

"In the instance of slavery in this country, it is but too well-known, that such antagonism as is indicated by the preceding facts and developments between the purposes of the Church and the policy of the State, must result in the most disastrous consequences to both. The slavery of the Southern States can never be reduced in amount, or mitigated in form, by such a state of things. The Southern States have the sole control of the question, under the authority and by contract of the federal constitution, and all hope of removing the evil of slavery, without destroying the national compact and the union of the States, must connect with the individual sovereignty of the Southern States, as parties to the federal compact, and the independent policy of each State in relation to slavery, as likely to be influenced by moral and political reasons and motives, brought to bear, by proper means and methods, upon the understanding and moral sense of the Southern people. All trespass upon right—whether as it regards the rights of property or of character—everything like aggression, mere denunciation or abuse, must of necessity tend to provoke further resistance on the part of the South, and lessen the influence the North might otherwise have upon the great mass of the Southern people, in relation to this great and exciting interest. The true character and actual relations of slavery in the United States, are *so predominantly civil and political*, that any attempt to treat the subject

or control the question upon purely moral and ecclesiastical grounds, can never exert any salutary influence South, except in so far as the moral and ecclesiastical shall be found strictly subordinate to the civil and political. This mode of appeal, it is believed, will never satisfy the North. The whole Northern portion of the Church, speaking through their guides and leaders, is manifesting an increasing disposition to form issues upon the subject, so utterly inconsistent with the rights and peace of the slaveholding States, that by how far the Methodist Episcopal Church, in the South, may contribute to the bringing about of such a state of things, or may fail to resist it, the influence of Methodism must be depressed, and the interests of the Church suffer. In addition, then, to the fact, that we have already received an amount of injury, beyond what we can bear, except under a separate organization, we have the strongest grounds of apprehension, that unless we place ourselves in a state of defence, and prepare for independent action, under the distinct jurisdiction we are now authorized by the General Conference to resolve upon and organize, we shall soon find ourselves so completely subjected to the adverse views and policy of the Northern majority, as to be left without right or remedy, except as a mere secession from the Church. Now, the case is entirely different, as we propose to do nothing not authorized in the General Conference Plan of Separation, either expressly or by necessary implication. The general view thus far taken of the subject, is intended to show, that 'the annual conferences in the slaveholding States,' embracing the entire Church, South, have found themselves placed in circumstances, by the action of the General Conference in May last, which, according to the Declaration of the Southern delegates, at the time, render it impracticable to accomplish the objects of the Christian ministry and Church organization under the present system of General Conference control, and showing by the most clear and conclusive evidence, that there exists the most urgent necessity for the 'separate ecclesiastical connexion,' constitutionally provided for by the General Conference upon the basis of the Declaration, just adverted to. At the date of the Declaration, the Southern delegates were fully convinced that the frequent and exciting agitation and action in that body on the subject of slavery and abolition—as in Harding's case, and especially the proceedings in the case of Bishop Andrew—each being regarded as but a practical exposition of the principle of the majority—rendered a *separate organization* indispensable to the success of Methodism in the South. The truth of the Declaration, so far from being called in question, by the majority, was promptly conceded in the immediate action the Conference had upon it, assigning the Declaration as the sole ground or reason of the action, which terminated in the adoption of the Plan of Separation, under which we are now acting, as a convention, and from the spirit and intention of which, it is believed to be the purpose of the convention not to depart, in any of its deliberations or final acts. Although the action of this General Conference on the subject of slavery, and the relative adverse position of the parties North and South, together with the irritating and exasperating evils of constant agitation and frequent attempts at legislation, are made, in the Declaration, the grounds of the avowal, that a separate organization was necessary to the success of the ministry in the slaveholding States, it was by no means intended to convey the idea, or make the impression, that no other causes existed rendering a separate organization proper and necessary; but as the action of the Conference on the subject of slavery, was certain to involve the Church in the South in immediate and alarming difficulty, and it was believed that this could be so shown to the majority, as to induce them to consent to some course of action in remedy of the evil, the complaint of the declaration was confined to the simple topic of slavery. It will be perceived that the case of Bishop Andrew, although prominently introduced, is not relied upon as exclusively furnishing the data of this conclusion, at which we have arrived. The entire action of the General Conference, so frequently brought to view, and which is made the ground of dissent and action, both in the Protest and Declaration of the Southern delegates, must be understood, as belonging to the premises and language employed, as including all the principles avowed as well as the action had by the late General Conference on the subject of slavery. The attempt to disclaim the judicial character of the action in Bishop Andrew's case, and show it to be merely advisory, cannot affect the preceding reasoning: for, first, the disclaimer is as equivocal in character as the original action; and, secondly, the reasoning in support of the disclaimer negatives the supposition of mere advice, because it involves issues coming legitimately within the province of judicial process and legal determination; and, thirdly, Bishop Andrew is,

by the explanation of the disclaimer itself, held as responsible for his conduct, in view of the alleged advice, as he could have been held by the original action without the explanation. While, therefore, the explanation giving the original action an *advisory* character, notwithstanding the inconsistency involved, fully protects Bishops Soule and Andrew from even the shadow of blame in the course they have pursued, the entire action in the case, and especially when connected with the case of Harding, as alluded to in the Declaration, fully sustains the general view of the subject we have taken in this report. The Southern delegates at the General Conference, in presenting to that body their Declaration and Protest, acted, and they continue to act, as the representatives of the South, under the full conviction that the principles and policy avowed by the Northern majority, are such as to render their *public* and *practical renunciation* by the Southern Methodist ministry and people, necessary to the safety, not less than the success of the Church in the South.

"Other views of the subject, however, must claim a share of our attention. Among the many weighty reasons which influence the Southern conferences in seeking to be released from the jurisdiction of the General Conference of the Methodist Episcopal Church, as now constituted, are the novel, and, as we think, dangerous doctrines, practically avowed and endorsed by that body and the Northern portion of the Church generally, with regard to the *constitution* of the Church, and the constitutional rights and powers respectively of the episcopacy and the General Conference. In relation to the first, it is confidently, although most unaccountably, maintained that the six short *restrictive rules*, which were adopted in 1808, and first became obligatory, as an amendment to the constitution, in 1812, are in fact the *true* and *only* constitution of the Church. This single position, should it become an established principle of action to the extent it found favour with the last General Conference, must subvert the government of the Methodist Episcopal Church. It must be seen at once, that the position leaves many of the organic laws and most important institutions of the Church entirely unprotected, and at the mercy of a mere and ever-fluctuating majority of the General Conference. Episcopacy, for example, although protected in the abstract, in general terms, may be entirely superseded or destroyed by the simple omission to elect or consecrate bishops, neither of which is provided for in the restrictive articles. The whole itinerant system, except general superintendency, is without protection in the restrictive rules; and there is nothing in them preventing the episcopacy from restricting their superintendency to *local* and *settled* pastors, rather than a travelling ministry, and thus destroying the most distinctive feature of Wesleyan Methodism. So far as the restrictive rules are concerned, the annual conferences are without protection, and might also be destroyed by the General Conference at any time. If the new constitutional theory be correct, class-leaders and private members are as eligible, upon the basis of the constitution, to a seat in the General Conference, as any ministers of the Church. Societies, too, instead of annual conferences, may elect delegates, and may elect *laymen* instead of ministers, or local instead of travelling ministers. Very few indeed of the more fundamental and distinguishing elements of Methodism, deeply and imperishably imbedded in the affection and veneration of the Church, and vital to its very existence, are even alluded to in the restrictive articles. This theory assumes the self-refuted absurdity, that the General Conference is in fact the government of the Church, if not the Church itself. With no other constitution than these mere restrictions upon the powers and rights of the General Conference, the government and discipline of the Methodist Episcopal Church, as a system of organized laws and well-adjusted instrumentalities for the spread of the Gospel and the diffusion of piety, and whose living principles of energy and action have so long commanded the admiration of the world, would soon cease even to exist. The startling assumption, that a bishop of the Methodist Episcopal Church, instead of holding office under the constitution, and by tenure of law, and the faithful performance of duty, is nothing in his character of bishop, but a mere officer, at will, of the General Conference, and may accordingly be deposed at any time, with or without cause, accusation, proof, or form of trial, as a dominant majority may capriciously elect, or party interests suggest; and that the General Conference may do, by right, whatever is not prohibited by the restrictive rules; and, with this single exception, possess power, supreme and all-controlling, and this, in all possible forms of its manifestation, legislative, judicial, and executive; the same men claiming to be at the same time both the fountain and functionaries of all the powers of government, which powers, thus mingled and concentrated into a

common force, may at any time be employed at the prompting of their own interests, caprice, or ambition ;—such wild and revolutionary assumptions, so unlike the faith and discipline of Methodism, as we have been taught them, we are compelled to regard as fraught with mischief and ruin to the best interests of the Church, and as furnishing a strong additional reason why we should avail ourselves of the warrant we now have, but may never again obtain, from the General Conference, to ‘establish an ecclesiastical connexion,’ embracing only the annual conferences in the slaveholding States.

“Without intending anything more than a general specification of the disabilities, under which the Southern part of the Church labours, in view of existing difficulties, and must continue to do so until they are removed, we must not omit to state, that should we submit to the action of the late General Conference, and decline a separate organization, it would be to place and finally confirm the whole Southern ministry in the relation of an *inferior caste*, the effect of which, in spite of all effort to the contrary, would be such a relation, if not (as we think) real degradation, of the ministry, as to destroy its influence to a great, a most fearful extent throughout the South. A practical proscription, under show of legal right, has long been exercised towards the South, with regard to the higher offices of the Church, especially the episcopacy. To this, however, the South submitted with patient endurance, and was willing further to submit, in order to maintain the peace and unity of the Church, while the *principle* involved was disavowed, and decided to be unjust, as by the decision of the General Conference in 1840. But when, in 1844, the General Conference declared by their action, without the forms of legislative or judicial process, that the mere providential ownership of slave property, in a State where emancipation is legally prohibited under all circumstances, and can only be effected by special legislative enactment, was hereafter to operate as a forfeiture of right in all similar cases, the law of the Church and the decision of the preceding General Conference to the contrary notwithstanding, the Southern ministry were compelled to realize, that they were deliberately fixed by the brand of common shame, in the degrading relation of standing inferiority to ministers, not actually, nor yet liable to be, connected with slavery, and that they were published to the Church and the world as belonging to a *caste* in the ministry, from which the higher officers of the Church could never be selected.

“To submit, under such circumstances, would have been a practical, a most humiliating recognition of the *inferiority of caste*, attempted to be fixed upon us by the Northern majority, and would have justly authorized the inference of a want of conscientious integrity and self-respect, well calculated to destroy both the reputation and influence of the ministry in all the slaveholding States. It may be no virtue to avow it, but we confess we have no humility courting the grace of such a baptism. The higher objects, therefore, of the Christian ministry, not less than conscious right and self-respect, demanded resistance on the part of the Southern ministry and Church ; and these unite with other reasons, in vindicating the plea of necessity, upon which the meeting and action of this convention are based, with the consent and approval of the General Conference of the Methodist Episcopal Church. The variety of interests involved, renders it necessary that the brief view of the subject we are allowed to take, be varied accordingly.

“Unless the Southern conferences organize as proposed, it is morally certain, in view of the evidence before the committee, that the Gospel, now regularly and successfully dispensed by the ministers of these conferences to about a million of slaves, in their various fields of missionary enterprise and pastoral charge, must, to a great extent, be withheld from them, and immense masses of this unfortunate class of our fellow-beings be left to perish, as the result of Church interference with the civil affairs and relations of the country.

“The committee are compelled to believe, that the mere division of jurisdiction, as authorized by the General Conference, cannot affect either the moral or legal unity of the great American family of Christians, known as the Methodist Episcopal Church, and this opinion is concurred in by the ablest jurists of the country. We do nothing but what we are *expressly authorized to do* by the supreme, or rather highest legislative power of the Church. Would the Church authorize us to do wrong ? The division relates only to the power of general jurisdiction, which it is not proposed to destroy or even reduce, but simply to invest it in two great organs of Church action and control, instead of one as at present. Such a change in the present system of general control, cannot disturb the moral unity of the Church ; for

it is strictly an *agreed modification* of General Conference jurisdiction, and such agreement and consent of parties must preclude the idea of disunion. In view of *what* is the alleged disunion predicated? Is the purpose and act of becoming a separate organization proof of disunion or want of proper Church unity? This cannot be urged with any show of consistency, inasmuch as 'the several annual conferences in General Conference assembled,' that is to say, the Church through only its constitutional organ of action, on all subjects involving the power of legislation, not only agreed to the separate organization South, but made full constitutional provision for carrying it into effect. It is a separation by consent of parties, under the highest authority of the Church. Is it intended to maintain, that the unity of the Church depends upon the modal uniformity of the jurisdiction in question? If this be so, the Methodist Episcopal Church has lost its unity at several different times. The general jurisdiction of the Church has undergone modifications, at several different times, not less vital, if not greatly more so, than the one now proposed. The high conventional powers, of which we are so often reminded, exercised in the organization of the Methodist Episcopal Church, were in the hands of a conference of unordained lay preachers, under the sole superintendence of an appointee of Mr. Wesley. This was the first General Conference type and original form of the jurisdiction in question. The jurisdictional power now proposed by the General Conference, was for years exercised by small annual conferences, without any defined boundaries, and acting separately on all measures proposed for their determination. This general power of jurisdiction next passed into the hands of the bishops' council, consisting of some ten persons, where it remained for a term of years. Next, it passed into the hands of the whole itinerant ministry, in full connexion, and was exercised by them, in collective action, as a General Conference of the whole body, met together at the same time. The power was afterwards vested in the whole body of travelling elders, and from thence finally passed into the hands of delegates, elected by the annual conferences, to meet and act quadrennially as a General Conference, under constitutional restrictions and limitations. Here are several successive re-organizations of General Conference jurisdiction, each involving a much more material change than that contemplated in the General Conference plan, by authority of which this Convention is about to erect the sixteen annual conferences in the slaveholding States into a separate organization. We change no principle in the existing theory of General Conference jurisdiction. We distinctly recognise the jurisdiction of a delegated General Conference, receiving its appointment and authority from the whole constituency of annual conferences. The only change in fact or form, will be, that the delegates of the 'annual conferences in the slaveholding States,' as authorized in the Plan of Separation, will meet in one General Conference assembly of their own, and act in behalf only of their own constituency, and in the regulation of their own affairs, consistently with the good faith and fealty they owe the authority and laws of the several States in which they reside, without interfering with affairs beyond their jurisdiction, or suffering foreign interference with their own. And in proceeding to do this, we have all the authority it was in the power of the Methodist Episcopal Church to confer. We have, also, further, example and precedent in the history of Methodism, to show that there is nothing irregular or inconsistent with Church order or unity in the separation proposed. The great Wesleyan Methodist family, everywhere one in faith and practice, already exists under several distinct and unconnected jurisdictions—there is no jurisdictional or connexional union between them; and yet it has never been pretended that these several distinct organizations were in any sense inconsistent with Church unity. If the Southern conferences proceed, then, to the establishment of another distinct jurisdiction, without any change of doctrine or discipline, except in matters necessary to the mere economical adjustment of the system, will it furnish any reason for supposing that the real unity of the Church is affected by what all must perceive to be a simple division of jurisdiction? When the conferences in the slaveholding States are separately organized as a distinct ecclesiastical Connexion, they will only be what the General Conference authorized them to be. Can this be irregular or subversive of Church unity? Acting under the provisional Plan of Separation, they must, although a separate organization, remain in essential union with, and be a part and parcel of, the Methodist Episcopal Church, in every Scriptural and moral view of the subject; for what they do is with the full consent, and has the official sanction of the Church as represented in the General Conference.

The jurisdiction we are about to establish and assert as separate and independent, is expressly declined and ceded by the General Conference, as originally its own, to the Southern Conferences, for the specific purpose of being established and asserted in the manner proposed. All idea of secession, or an organization alien in right or relation to the Methodist Episcopal Church, is forever precluded by the terms and conditions of the authorized Plan of Separation. In whatever sense we are *separatists* or *seceders*, we are such by authority—the *highest* authority of the Methodist Episcopal Church. To whatever extent, or in whatever aspect we are not true and faithful ministers and members of that Church, such delinquency or misfortune is authenticated by her act and approval, and she declares us to be ‘without blame.’ ‘Ministers of every grade and office in the Methodist Episcopal Church, may, as they prefer, without blame, attach themselves to the Church, South.’ Bishops, elders, and deacons, come into the Southern organization at their own election, under permission from the General Conference, not only accredited as ministers of the Methodist Episcopal Church, but with credentials *limiting* the exercise of their functions *within the Methodist Episcopal Church*. Is it conceivable that the General Conference would so act and hold such language in relation to an ecclesiastical Connexion, which was to be regarded as a secession from the Church? Do not such act and language, and the whole Plan of Separation, rather show that, as the South had asked, so the General Conference intended to authorize, a simple division of its own jurisdiction, and nothing more?

“All idea of secession, or schism, or loss of right or title, as ministers of the Methodist Episcopal Church, being precluded by the specific grant or authority under which we act, as well as for other reasons assigned, many considerations might be urged, strongly suggesting the *fitness* and *propriety* of the separate jurisdiction contemplated, rendered *necessary*, as we have seen, upon *other* and *different* grounds; and among these the increased value of the representative principle, likely to be secured by the change, is by no means unworthy of notice. At the first representative General Conference, thirty-three years ago, each delegate represented five travelling ministers and about two thousand members, and the body was of convenient size for the transaction of business. At the late General Conference, each delegate was the representative of twenty-one ministers and more than five thousand members, and the body was inconveniently large for the purpose of deliberation and action. Should the number of delegates in the General Conference be increased with the probable growth of the Church, the body will soon become utterly unwieldy. Should the number be reduced, while the ministry and membership are multiplying, the representative principle would become to be little more than nominal, and, in the same proportion, without practical value. Besides that the proposed re-organization of jurisdiction will remedy this evil, at least to a great extent, it will result in the saving of much time and expense, and useful services to the Church, connected with the travel and protracted sessions of the General Conference, not only as it regards the delegates, but also the bench of bishops, whose general oversight might become much more minute and pastoral in its character, by means of such an arrangement. When, in 1808, the annual conferences resolved upon changing the form of General Conference jurisdiction, the precise reasons we have just noticed were deemed sufficient ground and motive for the change introduced; and as we are seeking only a similar change of jurisdiction, although for other purposes as well as this, the facts to which we ask attention are certainly worthy of being taken into the estimate of advantages likely to result from a separate and independent organization, especially as the ministry and membership, since 1808, have increased *full seven hundred per centum*, and should they continue to increase, in something like the same ratio, for thirty years to come, under the present system of General Conference jurisdiction, some such change as that authorized by the late General Conference must be resorted to, or the Church resign itself to the virtual extinction of the representative principle, as an important element of government action.

“In establishing a separate jurisdiction as before defined and explained, so far from affecting the moral oneness and integrity of the great Methodist body in America, the effect will be to secure a very different result. In resolving upon a separate Connexion, as we are about to do, the one great and controlling motive is to restore and perpetuate the peace and unity of the Church. At present we have neither; nor are we likely to have, should the Southern and Northern conferences remain in con-

nexional relation, as heretofore. Inferring effects from causes known to be in existence and active operation, agitation on the subject of slavery is certain to continue, and frequent action in the General Conference is equally certain, and the result, as heretofore, will be excitement and discontent, aggression and resistance. Should the South retire and decline all further conflict, by the erection of the Southern conferences into a separate jurisdiction, as authorized by the General Conference plan, agitation in the Church cannot be brought in contact with the South, and the former irritation and evils of the controversy must, to a great extent, cease, or at any rate so lose their disturbing force as to become comparatively harmless. Should the Northern Church continue to discuss and agitate, it will be within their own borders and among themselves, and the evil effects upon the South must, to say the least, be greatly lessened. At present, the consolidation of all the annual conferences, under the jurisdictional control of one General Conference, always giving a decided Northern majority, places it in the power of that majority to manage and control the interests of the Church, in the slaveholding States, as they see proper, and we have no means of protection against the evils certain to be inflicted upon us, if we judge the future from the past. The whole power of legislation is in the General Conference, and as that body is now constituted, the annual conferences of the South are perfectly powerless in the resistance of wrong, and have no alternative left them but unconditional submission. And such submission to the views and action of the Northern majority on the subject of slavery, it is now demonstrated, must bring disaster and ruin upon Southern Methodism, by rendering the Church an object of distrust on the part of the state. In this way, the assumed *conservative power* of the Methodist Episcopal Church, with regard to the *civil union* of the States, is to a great extent destroyed, and we are compelled to believe that it is the *interest* and becomes the *duty* of the Church in the South to seek to exert *such conservative influence* in some *other* form; and after the most mature deliberation and careful examination of the whole subject, we know of nothing so likely to effect the object, as the jurisdictional separation of the great Church parties, unfortunately involved in a religious and ecclesiastical controversy about an affair of state—a question of civil policy—over which the Church has no control, and with which, it is believed, she has no right to interfere. Among the nearly five hundred thousand ministers and members of the conferences represented in this convention, we do not know *one* not *deeply* and *intensely* interested in the *safety* and *perpetuity* of the *National Union*, nor can we for a moment hesitate to *pledge them all* against *any* course of *action* or *policy*, not calculated, in their judgment, to *render that union as immortal as the hopes of patriotism would have it to be!*

“Before closing the summary view of the whole subject taken in this report, we cannot refrain from a brief notice of the relations and interests of Southern border conferences. These, it must be obvious, are materially different from those of the more Southern conferences. They do not, for the present, feel the pressure of the strong necessity impelling the South proper to immediate separation. They are, however, involved with regard to the subject-matter of the controversy, and committed to well-defined principles, in the same way, and to the same extent, with the most Southern conferences. They have with almost perfect unanimity, by public official acts, protested against the entire action of the late General Conference on the subject of slavery, and in reference to the relative rights and powers of episcopacy and the General Conference, as not only *unconstitutional*, but *revolutionary*, and, therefore, dangerous to the best interests of the Church. They have solemnly declared, by approving and endorsing the Declaration, the Protest, and Address of the Southern delegates, that the objects of their ministry cannot be accomplished, under the existing jurisdiction of the General Conference, without reparation for past injury and security against future aggression; and unless the border conferences have good and substantial reasons to believe such reparation and security not only *probable*, but so certain as to remove *reasonable* doubt, they have, so far as *principle* and *pledge* are concerned, the same motive for action with the conferences South of them. Against the principles thus avowed by every one of the conferences in question, the anti-slavery and abolition of the North have, through official Church organs, declared the most open and undisguised hostility, and these conferences are reduced to the necessity of deciding upon *adherence* to the principles they have officially avowed, or of a resort to expediency to adjust difficulties in some unknown form, which they have said could only be adjusted by substantial reparation for past injury, and good

and sufficient warrant against future aggression. The question is certainly one of no common interest. Should any of the border conferences, or societies South, affiliate with the North, the effect, so far as we can see, will be to transfer the seat of war to the remoter South—to these border districts; and what, we ask, will be the security of these districts against the moral ravages of such a war? What protection or security will the *Discipline*, or the *conservatism* of the middle conferences afford? Of what avail were *these* at the last General Conference, and has *either* more influence now than then? The controversy of a large and rapidly-increasing portion of the North, is not so much with the *South* as with the *Discipline*, because it tolerates slavery in *any form* whatever; and should the Southern conferences remain under the present common jurisdiction, or any slaveholding portions of the South unite in the Northern Connexion in the event of division, it requires very little discernment to see that *this controversy* will never cease until every slaveholder or every abolitionist is out of the Connexion. Besides, the border conferences have a great and most delicate interest at stake, in view of their *territorial*, and *civil*, and *political* relations, which it certainly behooves them to weigh well and examine with care in coming to the final conclusion, which is to identify them with the North or the South. Border districts going with the North, after and notwithstanding the action of the border conferences, must, in the nature of things, as found in the Methodist Episcopal Church, affiliate, to a great extent, with the entire aggregate of Northern anti-slavery and abolition, as now embarked against the interests of the South; as also with all the recent official violations of right, of law, and Discipline, against which the South is now contending. In doing this, they must of necessity, if we have reasoned correctly, elect, and contribute their influence, to retain in the Connexion of their choice all the principles and elements of strife and discord which have so long and fearfully convulsed the Church. Will this be the election of Southern border sections and districts, or will they remain where, by location, civil and political ties and relations, and their own avowed principles, they properly belong—firmly planted upon the long and well-tried platform of the Discipline of our common choice, and from which the Methodism of the South has never manifested any disposition to swerve? To the Discipline the South has always been loyal. By it she has *abided* in every trial. Jealously has she cherished and guarded that “form of sound words”—the faith, the ritual, and the government of the Church. It was Southern defence against Northern invasion of the Discipline, which brought on the present struggle; and upon the Discipline, the whole Discipline, the South proposes to organize, under authority of the General Conference, a separate Connexion of the Methodist Episcopal Church. The result, from first to last, has been consented to on the part of the South with the greatest reluctance.

“After the struggle came on, at the late General Conference, the Southern delegates, as they had often done before, manifested the most earnest desire, and did all in their power, to maintain jurisdictional union with the North, without sacrificing the interests of the South: when this was found impracticable, a *connexional* union was proposed, and the rejection of this, by the North, led to the *projection* and *adoption* of the present General Conference Plan of Separation. Every overture of compromise, every plan of reconciliation and adjustment, regarded as at all eligible, or likely to succeed, was offered by the South and rejected by the North. All subsequent attempts at compromise, have failed in like manner, and the probability of any such adjustment, if not extinct, is lessening every day, and the annual conferences in the slaveholding States are thus left to take their position upon the ground assigned them by the General Conference of 1844, as a distinct ecclesiastical Connexion, ready and most willing to treat with the Northern division of the Church, at any time, in view of adjusting the difficulties of this controversy, upon terms and principles which may be safe and satisfactory to both.

“Such we regard as the *true position* of the annual conferences represented in this convention. Therefore, in view of all the principles and interests involved, appealing to the Almighty Searcher of hearts, for the sincerity of our motives, and humbly invoking the Divine blessing upon our action,

“Be it resolved, by the delegates of the several annual conferences of the Methodist Episcopal Church, in the slaveholding States, in General Convention assembled, That it is right, expedient, and necessary, to erect the annual conferences, represented in this convention, into a distinct ecclesiastical Connexion, separate from the jurisdiction of the General Conference of the Methodist Episcopal Church, as at present

constituted; and, accordingly, we, the delegates of said annual conferences, acting under the provisional Plan of Separation adopted by the General Conference of 1844, do solemnly *declare* the jurisdiction hitherto exercised over said annual conferences, by the General Conference of the Methodist Episcopal Church, *entirely dissolved*; and that said annual conferences shall be, and they hereby *are constituted* a separate ecclesiastical Connexion, under the provisional Plan of Separation aforesaid, and based upon the Discipline of the Methodist Episcopal Church, comprehending the doctrines, and entire moral, ecclesiastical, and economical rules and regulations of said Discipline, except only in so far as verbal alterations may be necessary to a distinct organization, and to be known by the style and title of the *Methodist Episcopal Church, South*.

“*Resolved*, That Bishops Soule and Andrew be, and they are hereby respectfully and cordially requested by this convention to unite with, and become regular and constitutional bishops of the Methodist Episcopal Church, South, upon the basis of the Plan of Separation adopted by the late General Conference.

“*Resolved*, That this convention request the bishops presiding at the ensuing sessions of the border conferences of the Methodist Episcopal Church, South, to incorporate into the aforesaid conferences any societies, or stations adjoining the line of division, provided such societies or stations, by the majority of the members, according to the provisions of the Plan of Separation aforesaid, request such an arrangement.

“*Resolved*, That answer the 2d of 3d Section, Chapter 1st, of the Book of Discipline be so altered and amended as to read as follows: ‘The General Conference shall meet on the 1st of May, in the year of our Lord, 1846, in the town of Petersburg, Va., and thenceforward, in the month of April or May, once in four years successively, and in such place and on such day as shall be fixed on by the preceding General Conference,’ &c.

“*Resolved*, That the first answer in the same chapter, be altered by striking out the word ‘*twenty-one*,’ and inserting in its place the word ‘*fourteen*,’ so as to entitle each annual conference to one delegate for every fourteen members.

“*Resolved*, That a committee of three be appointed, whose duty it shall be to prepare and report to the General Conference of 1846, a revised copy of the present Discipline, with such changes as are necessary to conform it to the organization of the Methodist Episcopal Church, South.

“*Resolved*, That while we cannot abandon or compromise the principles of action upon which we proceed to a separate organization in the South, nevertheless, cherishing a sincere desire to maintain Christian union and fraternal intercourse with the Church, North, we shall always be ready, kindly and respectfully to entertain, and duly and carefully consider, any proposition or plan, having for its object, the union of the two great bodies, in the North and South, whether such proposed union be *jurisdictional* or *connexional*.”

The following are Bishop Soule’s letter of invitation to Bishop Andrew to perform episcopal functions, and Bishop Andrew’s reply:—

“LEBANON, OHIO, Sept. 26, 1844.

“*To the Rev. James O. Andrew, D.D., Bishop of the Methodist Episcopal Church.*

“MY DEAR BISHOP,—Since the close of the recent eventful session of the General Conference, I have been watching, with deep solicitude, the ‘signs of the times,’ and tracing causes, as far as I was able, to their ultimate issues. Some *general* results, growing out of the action of the Conference, it required no prophetic vision to foresee. To prevent the measures which, in my judgment, would lead to these results with demonstrative certainty, I laboured day and night with prayers and tears, till the deed was done,—the eventful resolution passed. From that perilous hour my hands hung down, discouragement filled my heart, and the last hope of the *unity* of our beloved Zion well-nigh fled from *earth* to *heaven*. My last effort to avert the threatening storm appears in the joint recommendation of all the bishops to suspend all action in the case until the ensuing General Conference. At the presentation of this document some brethren perceived that instead of *light*, the darkness around them was increased tenfold. *Others will judge*, have judged already. And those who come after us will examine the history of our acts. The document was *respectfully* laid upon the table, probably under the influence of deep regret that ‘our bishops

should enter the arena of controversy in the General Conference.' *But it cannot—does not sleep there.* I have heard many excellent ministers, and distinguished laymen in our own communion, not in the slave States, refer to it as a measure of sound Christian policy, and with deep regret that the Conference had not adopted it. Many of our Northern brethren seem now deeply to deplore the division of their Church. O that there had been *forethought*, as well as *afterthought*! I have seen various plans of compromise for the adjustment of our differences and preservation of the unity of the Church. The most prominent plan provides that a fundamental article in the treaty shall be, that no abolitionist or slaveholder shall be eligible to the office of a bishop in the Methodist Episcopal Church. Alas for us! Where are our men of wisdom, of experience? Where are our fathers and brethren who have analyzed the elements of civil or ecclesiastical compacts? Who are the 'high contracting parties?' and will they create a *caste* in the constitutional eldership in the Church of Christ? Will this tend to harmonize and consolidate the body? Brethren, North and South, *will know* that the *cause* must be removed that the *effect* may cease; that the *fountain* must be dried up before the *stream* will cease to flow. But I must pause on this subject. The time has not fully arrived for me to define my position in regard to the causes and remedies of the evils which now agitate and distract our once-united and peaceful body. Still I trust I have given such proofs at different times, and under different circumstances, as not to render my position *doubtful* in the judgment of sober, discriminating men, either North or South. The General Conference spake in the language of wisdom and sound Christian policy, when, in the pastoral address of 1836, it solemnly and affectionately *advised* the ministers and members of the Church to abstain from all agitation of the exciting subject of slavery and its abolition. Nor was the adoption of the report of the committee on the memorial of our brethren from a portion of Virginia, within the bounds of the Baltimore Conference, less distinguished by the same characteristics of our holy Christianity, and the sound policy of our Discipline in providing for the case.

"It has often been asked, through the public journals, and otherwise, 'Why Bishop Andrew was not assigned his regular portion of the episcopal work for the four ensuing years, on the plan of visitation formed by the bishops, and published in the official papers?' It devolves on the majority of my colleagues in the episcopacy, (if, indeed, we have an episcopacy,) rather than on me, to answer this question. Our difference of opinion in the premises, I have no doubt, was in Christian honesty and sincerity. Dismissing all further reference to the *painful* past till I see you in the South, let me now most cordially invite you to meet me at the Virginia Conference, at Lynchburg, November 13th, 1844, should it please a gracious Providence to enable me to be there. And I earnestly desire that you would, if practicable, make your arrangements to be with me at all the Southern conferences in my division of the work for the present year, where I am sure your services will not be 'unacceptable.' I am the more solicitous that you should be at Lynchburg from the fact that my present state of health creates a doubt whether I shall be able to reach it. I am now labouring, and have been for nearly three weeks, under the most severe attack of asthma which I have had for six or seven years,—some nights unable to lie down for a moment. Great prostration of the vital functions, and indeed of the whole physical system, is the consequence. But no effort of mine shall be wanting to meet my work; and the inducements to effort are greatly increased by the present position of the Church, and the hope of relief from my present affliction by the influence of a milder and more congenial climate. I cannot conclude without an expression of my sincere sympathy for you, and the second of your joys and sorrows, in the deep affliction through which you have been called to pass. May the grace of our Lord Jesus Christ sustain you both. Yours with sentiments of affection and esteem,

"JOSHUA SOULE."

"CHARLESTON, S. C., Nov. 4, 1844.

"MY DEAR BROTHER,—I perceive from the resolutions passed at the various Church meetings in the South, that there is a very general expression of opinion in favour of my taking my appropriate share of episcopal labour; and as I have received, both from public meetings and individual correspondents, from ministers and laymen, the most earnest and affectionate invitations to attend the sessions of most of the Southern and South-Western conferences, I deem it due to all concerned to state definitely the course I have pursued, and had resolved to pursue, till the meet-

ing of the convention at Louisville, Kentucky. Immediately after the passing of the memorable resolution in my case in the late General Conference, I left the city of New-York, and spent the next day, which was the Sabbath, at Newark, New-Jersey, to fulfil an engagement previously made; after which I returned to the bosom of my family in Georgia. From Newark I addressed a letter to Bishop Soule, assigning the reasons for my departure, and stating in substance to the following effect, viz: That I did not know whether the bishops would feel authorized, in view of the recent action of the General Conference, to assign me a place among them for the next four years, unless that body should condescend to explain its action more definitely; but that if the bishops should see proper to assign me my share in the episcopal visitations, I should be glad that they would let my work commence as late in the season as convenient, inasmuch as I had been absent from my family most of the time for the last twelve months; but that if they did not feel authorized, in view of the action of the General Conference, to give me work, I should not feel hurt with them. It will be remembered that there was subsequently introduced into the Conference a resolution intended to explain the meaning of the former one as being simply *advisory*; this was promptly laid on the table, which left no doubt of the correctness of the opinion I had previously formed, that the General Conference designed the action as *mandatory*. I understand that the Southern delegates afterwards notified the bishops in due form, that if they should give me my portion of the episcopal work, I should attend to it. The plan of episcopal visitation, however, was drawn up and subsequently published without my name, as is well known. I have heard it rumoured, indeed, that this plan was so arranged that I could be taken into it at *any time* when I should signify a wish to be so introduced; and some anonymous correspondents of the Western and Southern Christian Advocates have expressed themselves in a manner which indicated some surprise, that I had not availed myself of this kind provision of the episcopal board. Now, in reply to all this I have only to say, that I presume those gentlemen are mistaken entirely as to the practicability of any such arrangement; for if the bishops had contemplated the possibility of any such change in their plan, it is but fair to infer that either they would have appended to their published arrangement some note to that effect, or else that they would have informed me of it by letter; and forasmuch as they have done neither, I presume that the aforementioned rumour is altogether without foundation. However, I may be mistaken in this judgment, and I know nothing of the plans of the bishops, other than what is published, not having received a line from one of them since the General Conference, save the accompanying letter from Bishop Soule. In view of all these facts, I came deliberately to the conclusion that the bishops thought it most prudent, under the circumstances, not to invite me to perform any official action; and as I wished to be the cause of no unpleasant feeling to the bishops or preachers, I determined not to visit any of the annual conferences at their respective sessions. At the urgent solicitation, however, of many of the preachers of the Kentucky Conference, I so far changed my determination as to make an effort to reach that conference about the last day or two of the session; but a very unexpected detention on the road prevented the accomplishment of my purpose. Further reflection brought me back to my original purpose; and I abstained from visiting Holston and Missouri. On the important questions which now agitate us, I wished the conferences to act in view of the great facts and principles involved, apart from any influence which my personal presence among them might produce. I had laid out my plan of work for the winter: I designed to visit different portions of the Church in the slaveholding States, and publish among them, as I was able, the unsearchable riches of Christ. The foregoing communication from Bishop Soule furnishes me a sufficient reason to change my arrangements, and to attend, in connexion with him, the conferences allotted to him during the winter, in the distribution of episcopal labour.

“And now permit me, in conclusion, to tender to my brethren, both of the South and South-West, my most cordial and grateful acknowledgments for their kind expressions of sympathy for me, in the storm through which I have been passing, and to invoke their most fervent and continued prayers for me and mine, and especially for the Church of God. I thank them for the many affectionate invitations to attend their conferences, and most joyfully would I have been with them but for the reasons indicated above. May God abundantly bless us, and guide us into the way of truth and peace.

JAMES O. ANDREW.”

The action of the conferences of Kentucky, Missouri, Holston, and Tennessee, in 1845, subsequent to the Louisville Convention, from which an extract was read, is thus set forth.—Page 108.

“ We now come to notice the movements of conferences in the slaveholding States, and which were represented in the Louisville Convention. The first in order of these is Kentucky. It met September 10, 1845, in Frankfort, Kentucky, and was attended by Bishops Soule and Andrew. On the first day of the session the following preamble and resolutions were offered to the conference, and adopted :—

“ ‘Whereas, the long-continued agitation and excitement on the subject of slavery and abolition in the Methodist Episcopal Church, and especially such agitation and excitement in the last General Conference, in connexion with the civil and domestic relations of Bishop Andrew, as the owner of slave property, by inheritance and marriage, assumed such form, in the action had in the case of Bishop Andrew, as to compel the Southern and South-Western delegates in that body to believe, and formally and solemnly to declare, that a state of things must result therefrom which would render impracticable the successful prosecution of the objects and purposes of the Christian ministry and Church organization in the annual conferences within the limits of the slaveholding States,—upon the basis of which declaration the General Conference adopted a provisional Plan of Separation, in view of which said conferences might, if they found it necessary, form themselves into a separate General Conference jurisdiction; and whereas, said conferences, acting first in their separate conference capacity, as distinct ecclesiastical bodies, and then collectively, by their duly-appointed delegates and representatives, in general convention assembled, have found and declared such separation necessary, and have further declared a final dissolution, in fact and form, of the jurisdictional connexion hitherto existing between *them* and the General Conference of the Methodist Episcopal Church as heretofore constituted, and have organized the Methodist Episcopal Church, South, upon the unaltered basis of the doctrines and Discipline of the Methodist Episcopal Church in the United States before its separation, as authorized by the General Conference; and whereas, said Plan of Separation, as adopted by the General Conference, and carried out by the late convention of Southern delegates in the city of Louisville, Kentucky, and also recognised by the entire episcopacy as authoritative and of binding obligation in the whole range of their administration, provides that conferences bordering on the line of division between the two connexions—North and South—shall determine, by vote of a majority of their members respectively, to which jurisdiction they will adhere; therefore, in view of all the premises, as one of the border conferences, and subject to the above-named rule,—

“ ‘*Resolved by the Kentucky Annual Conference of the Methodist Episcopal Church,* That in conforming to the General Conference Plan of Separation, it is necessary that this conference decide by a vote of a majority of its members to which Connexion of the Methodist Episcopal Church it will adhere, and that we now proceed to make such decision.

“ ‘*Resolved,* That any member or members of this conference declining to adhere to that Connexion to which the majority shall by regular, official vote decide to adhere, shall be regarded as entitled, agreeably to the Plan of Separation, to hold their relation to the other ecclesiastical Connexion—North or South, as the case may be—without blame or prejudice of any kind, unless there be grave objections to the moral character of such member or members before the date of such formal adherence.

“ ‘*Resolved,* That agreeably to the provisions of the General Conference Plan of Separation, and the decisions of the episcopacy with regard to it, any person or persons, from and after the act of non-concurrence with the majority, as above, cannot be entitled to hold membership, or claim any of the rights or privileges of membership, in this conference.

“ ‘*Resolved,* That, as a conference, claiming all the rights, powers, and privileges of an annual conference of the Methodist Episcopal Church, we *adhere* to the Methodist Episcopal Church, South, and that all our proceedings, records, and official acts, hereafter, be in the name and style of the Kentucky Annual Conference of the Methodist Episcopal Church, South.

“ ‘FRANKFORT, KENTUCKY, September 10, 1845.’

"The vote on the 4th—the *adhering* resolution—being taken by ayes and noes, stood, ayes 77, noes 6. Four of the six who voted in the negative afterwards adhered personally to the South; but *three* persons who did not vote on conference adherence—one being absent, and two being probationers—personally adhered to the North. Here the result was very different from the predictions of one party and the apprehensions of the other. The unanimity of sentiment in the conference, and the delightful harmony which prevailed, wielded a mighty influence in promoting harmony in the societies and throughout the conference. On a line of border of several hundreds of miles, there was found but one small society adhering to the North, while in nearly all the others not a murmur or complaint was heard. A paper in Kentucky, which had employed all its influence previously against the South, from this time acquiesced, and faithfully co-operated with the conference. True, the conference had lost two effective men—two young men who might in time have become useful, and a venerable *superannuate*, for whose support during life the conference gave a generous pledge; but they had gained *five* (and afterwards gained *three*) from the North, all men of experience, weight, and talents.

"The second border conference to act on the question of adherence was Missouri. Here it was claimed that the Northern party would have a conference at any rate; for if they could not secure a majority, they would organize with a *minority*, transact the regular business of the Missouri Conference, and draw the dividend from the Book Concern. The better to accomplish their purposes, Bishop Morris was written to and invited to the conference, with a desire that he would take charge of the Northern party. To this invitation he gave the following noble response:—

"Bishop Morris's Letter.

"BURLINGTON, IOWA, September 8, 1845.

"Rev. Wilson S. McMurry—Dear Brother,—Your letter of the first instant is now before me. The resolutions to which you refer did pass in the meeting of the bishops at New-York, in July, unanimously. We all believe they are in accordance with the Plan of Separation adopted by the General Conference. Whether that Plan was wise or foolish, constitutional or unconstitutional, did not become us to say, it being our duty, as bishops, to know what the General Conference ordered to be done in a certain contingency which has actually transpired, and to carry it out in good faith. It is, perhaps, unfortunate that the resolutions were not immediately published, but it was not thought necessary by a majority at the time they passed. Still, our administration will be conformed to them. Bishop Soule's notice was doubtless founded upon them.

"As I am the responsible man at Indiana Conference, October 8, it will not be in my power to attend Missouri Conference; nor do I think it important to do so. Were I there, I could not, with my views of propriety and responsibility, encourage subdivision. If a majority of the Missouri Conference resolve to come under the Methodist Episcopal Church, South, that would destroy the identity of the Missouri Conference as an integral part of the Methodist Episcopal Church. As to having two Missouri Conferences, each claiming to be the true one, and demanding the dividends of the Book Concern, and claiming the Church property, that is the very thing that the General Conference designed to prevent, by adopting the amicable Plan of Separation. It is true that the minority preachers have a right, according to the general rule in the Plan of Separation, to be recognised still in the Methodist Episcopal Church, but in order to that they must go to some adjoining conference in the Methodist Episcopal Church. The border charges may also, by a majority of votes, decide which organization they will adhere to, and if reported in regular order to the conference from which they wish to be supplied, or to the bishops presiding, they will be attended to, on either side of the line of separation. But if any brethren suppose the bishops will send preachers from the North to interior charges, South, or to minorities of border charges, to produce disruption; or that they will encourage minority preachers on either side of the line to organize opposition lines, by establishing one conference in the bounds of another, they are mis-led. That would be departing from the plain letter of the rule prescribed by the General Conference, in the premises. Editors may teach such nullification and answer for it, if they will, but the bishops all understand their duty better than to endorse such principles. I acknowledge that, under the practical operation of the Plan of Separation, some hard cases may

arise ; but the bishops do not make, and have not the power to relieve them. It is the fault of the rule, and not of the executive administration of it. In the meantime, there is much more bad feeling indulged in respecting the separation, than there is necessity for. If the Plan of Separation had been carried out in good faith and Christian feeling on both sides, it would scarcely have been felt any more than the division of an annual conference. It need not destroy confidence or embarrass the work, if the business be managed in the spirit of Christ. I trust the time is not very far distant when brethren, North and South, will cease their hostilities, and betake themselves to their prayers and other appropriate duties in earnest. Then, and not till then, may we expect the Lord to bless us as in former days.

“ ‘ I am, dear brother, Yours respectfully and affectionately,
 “ ‘ THOMAS A. MORRIS.’ ”

“ Bishop Soule presided over the conference ; and when the question of adherence was taken up, the letter of Bishop Morris was read, and, as may be supposed, not without effect.

“ The same resolutions substantially adopted by Kentucky Conference, were introduced and adopted by this conference, only 14 voting in the negative, including absentees.”

The passages in relation to the Holston Conference were read by Mr. Lord, and are given in their proper place. The conclusion of the extracts is as follows :—

“ The Tennessee Conference, which met October 22, 1845, though not a border conference, adopted the following preamble and resolutions, by a unanimous vote :—

“ ‘ WHEREAS, the agitation of the questions of slavery and abolition for the last several years, has created great excitement in the Methodist Episcopal Church, destructive of her peace and harmony ; and whereas, the General Conference of 1844 did, by extra-judicial act, virtually suspend the Rev. James O. Andrew, one of the bishops of said Church, for an act in which he was fully sustained by the law and constitution of the Church, and did thereby render a continuance of the conferences in the slaveholding States under the jurisdiction of said General Conference, inconsistent with the interests of our holy religion, and the great purposes of the Christian ministry ; and whereas, the said General Conference adopted a plan for a constitutional and peaceable division of the Methodist Episcopal Church into two separate and distinct ecclesiastical jurisdictions ; and whereas, the conferences in the slaveholding States did adjudge such separation imperiously necessary, and did appoint delegates from their respective bodies to meet in General Convention at Louisville, Kentucky, on the first day of May, 1845 ; and whereas, said convention did proceed to declare the separation right, expedient, and necessary for the prosperity of the Southern Church, and did proceed, according to the Plan of Separation provided by the General Conference of 1844, to adopt measures for the organization of a separate and distinct ecclesiastical jurisdiction, known by the name and under the style of “ The Methodist Episcopal Church, South,” based on the doctrines and economy of the Methodist Episcopal Church, as set forth in the Discipline of said Church ; therefore,

“ ‘ 1. *Resolved*, That we approve the Plan of Separation as reported by the Committee of Nine, and adopted by the General Conference of 1844.

“ ‘ 2. That we most cordially approve of the entire proceedings of the Southern delegates in the convention at Louisville, in May, 1845, and that we *solemnly declare* our adherence to the said Southern organization.

“ ‘ 3. That our journals and all our official records be kept in the name and under the style of the Tennessee Annual Conference of the Methodist Episcopal Church, South.

“ ‘ 4. That we will, at this session, elect delegates to the General Conference of the Methodist Episcopal Church, South, to be held at Petersburg, Va., on the first day of May, 1846, according to the ratio of representation (one for every fourteen members of the conference) fixed at the Louisville convention.

“ ‘ 5. That we, as ever, heartily believe in the doctrines and approve the government of the Methodist Episcopal Church, as set forth in our articles of faith, and

taught in the Discipline, and that we will resist any and every attempt to change any cardinal features of Methodism, as handed down to us by "our fathers."

"6. That we highly approve of the course pursued by Bishops Soule and Andrew in their administration, since the occurrence of the difficulties in the General Conference of 1844, and that we sympathize with them in the unjust and ungenerous persecution which has been so bitterly carried on against them in certain portions of the North.

"7. That we properly appreciate the conservative course pursued by the bench of bishops, pending the difficulties which for the last eighteen months have so agitated the Church, and specially do we commend their purpose of carrying out, so far as their administration is concerned, the Plan of Separation adopted by the General Conference of 1844.

ROBERT PAINE,
J. B. McFERRIN.'"

The communication from H. B. Bascom, and others, commissioners, to N. Bangs, and others, commissioners, dated Cincinnati, Ohio, August 25, 1846, and the reply thereto, dated New-York, October 14th, 1846—page 117, second of Proofs—to which Mr. Lord referred, are as follows:—

"The General Conference of 1844, in the provisional Plan of a division of the Church property with the South, appointed three commissioners in behalf of the Northern branch of the Church to act co-operatively with like commissioners to be appointed on the part of the South. Our Southern General Conference of May last appointed commissioners accordingly, who met in Cincinnati in August last, and addressed the following communication to the commissioners of the North—personally and privately. Rev. J. B. Finley, one of the Northern commissioners, has responded through the Western Advocate, and we now deem it proper to let our readers see the communication of our commissioners, and Mr. Finley's reply in connexion. The argument of commissioner Finley is sufficiently original. In substance it is, 1. The conferences voted against the change. 2. The commissioners had no means of knowing how the conferences voted. 3. Nobody had any authority to give them the information. 4. The South had forfeited all claim to the benefits of such vote if it was given.

"The undersigned, commissioners appointed by the late General Conference of the Methodist Episcopal Church, South, in accordance with the Plan of Separation adopted by the General Conference of the Methodist Episcopal Church in 1844, to act in concert with the commissioners of said Methodist Episcopal Church, specially appointed for the purpose, in estimating the amount of property and funds due to the Methodist Episcopal Church, South, according to the Plan of Separation aforesaid, and to adjust and settle all matters pertaining to the division of the Church property and funds as agreed upon and provided for in said Plan, with full powers at the same time to carry into effect the whole arrangement, with regard to said division of property, would respectfully give notice to the Rev. Dr. Bangs, Dr. Peck, and Rev. James B. Finley, commissioners, and the Rev. George Lane and C. B. Tippet, book agents of the Methodist Episcopal Church, that they are prepared to act in concert with them, as the Plan of Separation contemplates and requests, in an amicable attempt, to settle and adjust all the matters and interests to which the appointment of each Board of Commissioners relates—that is to say, all questions involving property and funds which may be pending between the Methodist Episcopal Church, and the Methodist Episcopal Church, South. And as necessary to such a result, in the judgment of the commissioners, South, they would respectfully suggest and urge the propriety and necessity of a joint meeting of the Board of Commissioners, North and South, at a period as early as practicable, that the intention of the Plan of Separation, in this respect, may not be defeated by unnecessary delay. It has been the aim of the General Conference of the Methodist Episcopal Church, South, to see that all the terms and stipulations of the Plan of Separation be strictly complied with on their part, and provision has been accordingly made that the Rev. John Early, book agent of the Methodist Episcopal Church, South, and its appointee to receive the property and funds falling due to the South, be duly and properly clothed with the legal and corporate powers required by the Plan of Separation. And the undersigned commissioners are not able to perceive any valid reason or reasons why the

negotiation respecting the division of property should not proceed in the hands of the joint commissioners without delay, and hence request the joint meeting of the commissioners of the bodies they represent to judge and determine whether the annual conferences have authorized the change of the sixth restrictive rule, and as no such decision can be had until given by them, it seems important that such decision should be given by them as soon as practicable, and we know of no mode of conclusive action in the case, except by a joint meeting of the commissioners. The Plan of Separation provides for no intermediate action between that of the annual conferences, and that to be had by the commissioners, and unless the commissioners *North* are in possession of information, clear and satisfactory, that the action of the annual conferences, in the aggregate *vote* given by them, is adverse to the recommendation of the General Conference, it is obviously made their duty, by the Plan of Separation, to meet and decide the question. From all the information in our possession, we see no reason why we should not act upon the assumption, that the proposed change in the restrictive rule has been authorized. The language of the Discipline is, "Upon the concurrent recommendation of three-fourths of all the members of the several annual conferences, who shall be present *and vote* upon such recommendations." The language of the Plan of Separation is, "Whenever the annual conferences, by a vote of three-fourths of all their members *voting* on the third resolution." It follows hence, that both by the language of the Discipline and that of the Plan of Separation, the question was to be settled by the aggregate vote of those members of the several annual conferences, who were present in their annual sessions, when the question came up, and *actually voted* upon it. If any refused or failed to vote, with such we have nothing to do—they cannot be regarded as either for or against the measure. They declined the right of suffrage by refusing to act, and the determination of the question rests with those who were present *and voted* in accordance with the law. In the instance of several annual conferences, the vote was contingent, and future events, now to be judged of by the commissioners, were to give an *affirmative* or *negative* character to their votes. In the instance of two of these at least (and we believe it to be equally true of four) it is susceptible of the clearest proof, that, by their *own official showing*, their votes must, beyond all doubt, be counted in the affirmative, or not at all; and in either case, and indeed without reference to either, taking no account of the conferences which refused to vote, it is believed the constitutional majority of all the votes given was in favour of the change, and it will, it seems to us, devolve upon the commissioners of the Methodist Episcopal Church, to make the contrary appear before they can in good faith refuse to carry into effect the Plan of Separation. To settle this question fairly and honourably, and in accordance with the facts in the case, it is believed that a meeting of the commissioners is indispensable. To this we may add, that the most weighty considerations, both of justice and humanity, demand alike that the question be settled as early as possible, as the dividends to which we are declared entitled by the Plan of Separation, and which that Plan pledges shall be paid to us, until the division of property shall actually take place, have already been withheld, and our "travelling, supernumerary, superannuated, and worn-out preachers, their wives, widows, and children, are literally suffering for the want of funds given in trust for their support—funds to which the General Conference of 1844 not only declared them entitled, but solemnly stipulated to divide with them upon principles of "Christian kindness and strictest equity."

"The division of property and funds stipulated contemplates no gratuity to the South, for it is well known that, in receiving all the Plan of Separation accords to us, we are receiving but a part of what the South has contributed to the common fund in question.

"There is another view of this subject, which, in our judgment, should not be overlooked by the commissioners. The proposed change in the restrictive rule was regarded by all who favoured the Plan of Separation in the General Conference of 1844, merely as means to an end. The end aimed at was an equitable division of the Church property, and the more certainly and securely to effect this, within the established forms of law and order, the change in question was proposed; such change, however, or the want of it, cannot possibly affect, in any form, the question of right, or the true issue in a legal process, should it be found necessary to institute such process.

"The Methodist Episcopal Church, South, intends a most sacred appropriation of the funds they may receive exclusively to the purposes specified in the sixth restric-

tive article ; and not intending to divert them in any way to any other object or purpose, the change recommended by the General Conference can only be regarded as a matter of form, subordinate, in every high moral and legal sense, to the end had in view by the body in the adoption of the Plan of Separation. The object in calling attention to this view of the subject is not in any way to supersede the Plan of Separation, but to insist, as we shall always continue to do, that unless the letter of the Plan shall interpose insuperable difficulties, its spirit and intention plainly and imperatively demand, at the hands of the commissioners, that they carry it into effect, and that they cannot fail to do so without a grave abuse of the trust reposed in them. Hence, again, *our suggestion* for a meeting of the commissioners at an early day, is necessary to settle this preliminary question, which it appears to us can be conclusively settled in no other way.

“It certainly cannot be necessary that we remind the commissioners and book agents of the Methodist Episcopal Church, that the peace and quiet, not less than the character and hopes of the Church, North and South, urgently require that this great property question be settled as soon as practicable ; and we are most anxious that it should be done amicably and with good feeling, and especially that it may be done without an appeal to the civil tribunals of the country ; and the General Conference of the Methodist Episcopal Church, South, have accordingly instructed their commissioners to look to such an issue as the last resort, in view of the adjustment aimed at.

“In conclusion, the commissioners of the Methodist Episcopal Church, South, in view of the facts and considerations to which they have adverted in this communication, would respectfully and urgently call upon Dr. Bangs, as chairman of the commissioners of the Methodist Episcopal Church, to call a meeting of the joint board of commissioners, as hereinbefore indicated, and we cheerfully concede to him the right, so far as we are concerned, of fixing *the time* and *place* at any period between the last of October and the first of March next. Very respectfully,

“H. B. BASCOM,
A. L. P. GREEN,
S. A. LATTA.

“*Cincinnati, Ohio, August 25, 1846.*

“P. S.—We would respectfully ask and claim, upon the ground of justice and right, that the commissioners and book agents of the Methodist Episcopal Church, make a direct call, by authority of the General Conference of 1844, upon the secretaries of all the annual conferences of the Methodist Episcopal Church, for an authentic, attested statement of the vote or action of each conference, in relation to the change of the sixth restrictive rule ; and the commissioners of the Methodist Episcopal Church, South, will do the same within the limits of the Southern organization.

“H. B. BASCOM,
A. L. P. GREEN,
S. A. LATTA.’”

“*To H. B. Bascom, A. L. P. Green, and S. A. Latta, Commissioners of the Methodist Episcopal Church, South.*

“DEAR BRETHREN,—We have received your communication dated the 25th of August, 1846, requesting us to call a joint meeting of the commissioners appointed by the General Conference of 1844 of the Methodist Episcopal Church, and the commissioners appointed by the General Conference of 1846 of the Methodist Episcopal Church, South, in order to adjust the property question, as provided for in the provisional Plan of Separation adopted by the General Conference of 1844.

“In reply to this we have to say that, in our judgment, we have no authority to act in the premises, as we have never been officially notified that the requisite number of votes in the several annual conferences has been given in favour of the alteration in the sixth restrictive rule in the constitution of the Church, nor have we any authority to call on the secretaries of the several annual conferences to give us the requisite information as you have suggested.

“On these accounts we must respectfully decline to act in the premises, as our action would, in our opinion, be null and void.

N. BANGS,
GEO. PECK,
J. B. FINLEY.’”

“*New-York, October 14, 1846.*

The communication of H. B. Bascom, and others, commissioners, to the bishops and members of the Methodist Episcopal Church, in General Conference assembled, dated Pittsburgh, May 11th, 1848 :—

“ *Pittsburgh, May 11, 1848.*

“ *To the Bishops and Members of the General Conference of the Methodist Episcopal Church in General Conference assembled.*

“ **REV. AND DEAR BRETHREN,**—The undersigned, commissioners and appointee of the Methodist Episcopal Church, South, respectfully represent to your body, that pursuant to our appointment, and in obedience to specific instructions, we notified the commissioners and agents of the Methodist Episcopal Church, of our readiness to proceed to the adjustment of the property question, according to the Plan of Separation adopted by the General Conference of 1844 ; and we furthermore state, that the chairman of the board of commissioners of the Methodist Episcopal Church informed us they would not act in the case, and referred us to your body for the settlement of the question as to the division of the property and funds of the Church ; and, being furthermore instructed by the General Conference of the Methodist Episcopal Church, South, in case of a failure to settle with your commissioners, to attend the session of your body in 1848, for the ‘settlement and adjustment of all questions involving property and funds, which may be pending between the Methodist Episcopal Church, and the Methodist Episcopal Church, South,’ take this method of informing you of our presence, and of our readiness to attend to the matters committed to our trust and agency by the Methodist Episcopal Church, South ; and we desire to be informed as to the time and manner in which it may suit your views and convenience to consummate with us the division of the property and the funds of the Church, as provided for in the Plan of Separation, adopted with so much unanimity by the General Conference of 1844. And for our authority in the premises we respectfully refer you to the accompanying document, marked A.

“ A. L. P. GREEN, }
C. B. PARSONS, } *Commissioners.*
L. PIERCE. }
JNO. EARLY, *Appointee.*”

To this communication no reply was received.

THIRD DAY.—WEDNESDAY, MAY 21, 1851.

MR. CHOATE,—May it please your Honours, I shall have occasion, on behalf of the defendants, to make a few additional references ; and I have arranged with Mr. Lord, if it may be sanctioned by the Court, that those references may be made, and those passages read, after he shall have concluded his argument.

JUDGE NELSON,—The Court have no objections.

MR. LORD,—Give me the pages.

MR. CHOATE,—I will refer to the “First of the Proofs,” p. 136 ; the Journals of the General Conference of 1848, p. 177, to prove that the number of votes required by the Discipline, to change the sixth restrictive rule, had not been given.

At the request of Mr. Lord, I will read a passage on the subject of the vote of the conferences :—

“The Committee on the State of the Church beg leave further to report in part, That they have received of the Commissioners of the Church, South, an account of the vote in the Southern conferences in relation to the change of the sixth restrictive rule, and from a count of the votes from all the annual conferences, find the following result :—

“The votes from the conferences at the South stand thus :—For the alteration 971, and against it 3. From the conferences now embraced within the Methodist

Episcopal Church, for the alteration, 1,164 ; against it, 1,067. Whole number for the alteration, 2,135 ; against it, 1,070. The whole number necessary to authorize the alteration, 2,404. Subtract from this number, 2,135, the number of votes actually cast for the alteration, leaves 269, which is the number of votes wanting to authorize the change of the rule.

GEORGE PECK, Chairman."

MR. LORD,—The page containing that report was pasted in after the book seems to have been published. Will you inform me when it was put there ?

MR. CHOATE,—I am unable to state.

MR. LORD,—My learned friends on the other side published that report of the "Committee on the State of the Church," from the Journals of the General Conference of 1848. The Court may see that a part of the Journal of 1848 is printed in book No. 1. but it does not contain this report of the vote on the change of the sixth restrictive article.

MR. CHOATE,—Mr. Lord will find that it refers to it. I found it from page 136 of the Book of Proofs, No. 1 :—

"May 18th.—The Committee on the State of the Church presented a report on the state of the vote to alter the sixth restrictive rule, to the effect that the number of votes required by the Discipline to change said rule had not been given."

I shall refer to p. 47 of the same book, for the purpose of bringing to the notice of the Court which conferences voted against making a grant to the Canada conference of a portion of the funds ; to the same book, pp. 131-134, containing the address of the bishops to the General Conference of 1844 ; to the same book, pp. 154-165, on what are called infractions by the South of the Plan of Separation.

MR. LORD,—Does Mr. Choate understand, on the subject of these minutes of 1848, that they are not evidence that the things there stated took place ?

MR. CHOATE,—Certainly ; they are all read under stipulations. The same observation will apply to what Mr. Lord read.

MR. LORD,—The transactions of the General Conferences, up to 1844, are introduced as the joint acts of both parties. After 1844, the minutes and journals of each party are introduced, to show what the bodies did and said, but not to have the effect of establishing as facts the recitals which they say other people said or did. They are merely admitted as authentic papers, to show the action of the bodies.

MR. CHOATE,—I shall refer many times to the "History of the Discipline," but I will indicate such passages as I have on my brief, for the information of Mr. Lord. They are p. 47, p. 10, p. 251, and pp. 254, and the following. And I am sure Mr. Lord will be glad to have me correct one mistake into which he inadvertently fell, and which I will enable him to correct for himself. It was said that Bishop Andrew was not allowed to take part in the inauguration of bishops in 1844. I shall refer to the journals of that conference of 1844, p. 83, to show that the vote upon the bishop's case was on the 1st of June. That is an admitted date. I shall then refer to the same journals, p. 139, to show that the inauguration of the bishops took place upon the 10th of June ; and again to the second of the Proofs, p. 105, to show from a letter of Bishop Andrew that he left New-York on the 2d day of June.

MR. REVERDY JOHNSON,—The vote, I believe, was on the 1st.

MR. LORD,—Bishop Andrew, in his letter, says :—

“Immediately after the passing of the memorable resolution in my case in the late General Conference, I left the city of New-York, and spent the next day, which was the Sabbath, at Newark, N. J.”

MR. CHOATE,—I am informed that he did not return. I believe that is quite certain.

I shall refer also to pp. 43, 46, and 47 of the first of the Proofs, for the purpose of showing that it has been the usage of the General Conference to canvass votes given by the annual conferences upon the subject of the restrictive rules—the usage of the General Conference holden next subsequently.

Before commencing his argument, Mr. Lord presented to the court the *Points of Complainants*, as follows:—

I. The capital arising from the profits of the Book Concern was the result of the common labours and services of all the members of all the conferences.—It was not a charitable fund merely from donations.—It was a fund of earnings, to make up the deficiency of compensation for services rendered, and to provide for those who earned it, when they became incapable of labour, and for those who were dependent upon them.

II. It was distributed by the annual conferences, but belonged in actual right to the beneficiaries, and as such was, and is, protected by the sixth restrictive rule.

III. The title of the beneficiaries, at the time immediately before the separation of the Church into two parts, was perfect; and it cannot be defeated or forfeited without a clear proof of breach of condition by the beneficiaries.

IV. Even if a breach of condition by the annual conferences, by whom the fund was to be distributed, could forfeit, there has been no forfeiture, because the General Conference of 1844 had the power to consent to an amicable division of the conferences on grave causes, touching the general efficiency of the Church.

V. The General Conference of 1844 did, in fact, and on a proper ground, consent to such division, to take effect immediately, in the choice of the Southern conferences, and without any condition.

VI. The General Conference of the Church, South, was duly and properly organized, according to the Plan of Separation, and is in every respect as properly a General Conference within its limits, as the General Conference of the Churches North.

VII. The beneficiaries of the fund in question, therefore, who belonged to the Southern conferences, did not, by the new organization, lose any rights, nor were they disqualified in any manner from claiming their share of the funds. And such claim is appropriately made through the General Conference, South, which succeeds to the place of the prior General Conference of the whole Church.

VIII. An account should therefore be ordered of the proportions of the profits of the Book Concern, according to the numbers in the minutes of 1844, and at the same ratio of the profits since.—Also the capital of the fund should be decreed to be divided in the same way, and paid over to the commissioners, South, as new trustees, or to proper trustees to be appointed by the Court.

The profits of the past are to be subject to distribution, according to the directions of the General Conference, South, whether the fund remain with the present trustees, or be paid over to new trustees.

D. D. LORD, *Solicitor of Complainants.*

D. LORD,
REVERDY JOHNSON, } *Of Counsel.*

MR. LORD.—May it please your Honours : there is a starting-point in this controversy, as to which we are all agreed—about which there is no manner of doubt. That is this : that immediately prior to the separation, whether it took place in 1844 or 1845, all the supernumerary, superannuated, and distressed travelling preachers belonging to the Southern conferences, whom we now represent, and their wives, widows, and children, in that Connexion, were entitled to an interest in this fund, as well as the persons in similar relations, belonging to the Northern conferences. What the character of that title was, it is scarcely necessary to inquire. I suppose it was a charity—one of those uses which attach themselves to transitory objects, so to say, rather than one of those specific trusts which are held by titles analogous to those of legal estates. But it seems to me, that, for the purpose of starting our reasoning on this subject, it may be averred as agreed upon, that as a matter of right, not as a matter of mere gift or charity, the supernumerary and superannuated preachers, their wives, widows, and children, were entitled to participate in the profits of this Book Concern. It may be that this fund was to be distributed by the judgment of the annual conferences, and not by any act of the General Conference. As to the General Conference, on that subject its action was purely ministerial. It merely took the account, and enforced the obligation of having the profits of that fund properly placed in the hands of the annual conferences for distribution. It had no real discretion on that subject. Without an utter and entire abandonment of its primary duty in relation to the subject, it had nothing to do but to enforce all the accountability of the book-steward to them for the appropriation of the profit of this fund properly ; and it superintended the management of it, or at least supervised that superintendence, and the fund was obliged to be distributed through the annual conferences.

Now, as to the duty of the annual conferences, as to their right on that subject. They had no interest in this matter. All that they had, was the obligation incumbent upon them, as Christian and faithful men, to see that the profits assigned to each annual conference should be distributed according to the intent and purpose of this fund. That is, it should be applied to those whom they should ascertain within their limits to be supernumerary and superannuated preachers, and travelling preachers having their salaries deficient, and to the wives, widows, children, and orphans of preachers. Now, you will see that until we get to the actual beneficiaries, we find no person having anything but a mere administrative right, a mere agency, and as to selection, no discretion. They had not a right to select a meritorious or an unmeritorious man, woman, or child. They were bound to ascertain simply certain facts. Is this a supernumerary preacher ? Is this a superannuated preacher ? Is this the wife or child of a preacher ? Are these the orphans of preachers ? Is this a travelling preacher unpaid his small salary ? There was no discretion in the conferences on this subject at all. Their duty was the simple ascertaining of a plain fact—a fact, I suppose, always ascertained by the simple declaration of the parties entitled to receive ; because in this Connexion of religious men, of the character of preachers, and families of preachers, it is not only a proper assumption in point of law, but a proper presumption in point of fact, that the mere statement by these various beneficiaries would be taken as decisive on the subject.

Now, then, we come ultimately to this proposition—and I think it will scarcely be denied—that these beneficiaries had directly an interest in this fund, through the medium of the administration of a charity. I do not go into the question, whether they had a legal right or an equitable title. In this Court it is enough to say, that they had that sort of right which cannot be violated without a breach of trust on the part of those who administer this fund. If they have no legal estate—no legal, equitable estate, so to say ; that is, no such permanent estate in equity as has an analogy to le-

gal estates—it only operates to make the obligation on the consciences of the trustees more binding and powerful ; and these persons, unprotected by legal securities, and by those things which are equitable protections, are more entirely protected in their absolute right by the uncovered character of this fund. In other words, it has become a right—a valid, perfect, and established debt of conscience and of honour ; such a debt of conscience and of honour as comes within the administration of relief by courts of equity under this doctrine of charities. On that subject I propose to define my view of a charity, and then to inquire into the character of this fund, to show that, except in the mode of its administration, in law it is in no sense a charity, but a right.

I suppose that the distinction between a specific trust, and one of those trusts which are administrative as charities, is this : a specific trust has individual beneficiaries who are marked out, who take, either for periods of time, or for life, or in succession, by way of perpetuity—that is, such a perpetuity as the law allows under definite limitations—limitations as to the person, when the right is once vested in that person through some legal mode of succession. A charity, I suppose, is a trust where the beneficiaries come in by a casual conformity to the descriptions of the charity. I mean a casual conformity : that is to say, a man may this year come within the description of the poor living in Water-street, for whom a foundation of charity is established, and next year he may not. It is that transitory character of the beneficiary which I suppose in law defines a charity, and distinguishes it from a trust. We are not to suppose that this right of a charity is imperfect because it is transitory. I presently intend to go into the character of this, treating it as a charity, to show that it is not one of what moralists call “imperfect obligations,” but morally, and in conscience, of the highest and most perfect obligation ; and that the only imperfection of the obligation is that which turns you over from the specific administration of the law of trust, to the more liberal administration of the law of charity.

Now, supposing, for a moment, that I am right in this character of the title of these beneficiaries, and that the women, the children, the supernumeraries, and worn-out preachers of the Southern conferences had rights which the Court would regard prior to that separation, the question comes up, and that is the great question we are discussing, Have they those rights still ? Why have they not ? Are they not Methodists ? Have they departed one scruple in doctrine or in discipline ? I mean the beneficiaries whom I represent ; they are not the bishops. Some of them are members of conferences, and some of them are not, and the right is equal to them all. But why have they not those rights still ? Have they ever been tried ? The gentlemen put it in their answer most distinctly and clearly on the ground that they have forfeited the right. They use the term “forfeited” in their answer. They say, they “forfeited” it by secession. Secession from what ? That is the question, and the question between us is to be, whether there is, in regard to this fund, any such forfeiture as is set up by these gentlemen. And in saying “set up by these gentlemen,” I ought, perhaps, to explain myself, that I may not be misunderstood. By “these gentlemen,” I do not mean these defendants whom I conceive to be not volunteers in this matter ; they are legal personages, representing, as I suppose I may say without giving offence, a rather tumultuous body behind them, a changeable body to whom they are accountable, and in regard to whom they must protect themselves by the most careful conduct. They, however, taking advice on the subject, say we, the beneficiaries, have “forfeited” this right. We forfeit it ; by which I understand, there is some implied condition which we have broken, or some term of the grant which renders this charity no longer applicable to us.

Before going into the inquiry which I propose first to institute, I beg leave to say

one word on the subject of the mode of relief. There will be no difficulty on this subject. There need be no apprehension of a difficulty in regard to the subject of the dividing of the fund. I suppose it must be divided. I suppose the reasoning which we shall adopt on this subject, will call for a division of the fund, of the capital itself ; but that does not necessarily embarrass our case ; for if these beneficiaries for whom I speak are entitled, then the fund may remain in the hands of the agents here, an undivided fund, and be administered by them ; and relief would be afforded by ordering them to take the minutes of the conferences of the South, in regard to the preachers and persons of the South entitled, and turn over the annual dividends to them as long as there is a Book Concern yielding profits to be divided, that they may thus be distributed. There is, as I conceive, no formal or technical difficulty of that sort to be set up. I am sure, that if the relief to which I conceive beyond all question we shall be adjudged to be entitled, if these beneficiaries shall have their rights, it will be an advantageous arrangement all round, that the fund should be divided, and I presume there will be no difficulty in law in doing it. But that is not essential to the relief to which we are entitled under this bill. Nor is it essential that the proper persons who are entitled to take the capital of the fund should now be before the Court. You have the travelling preachers before you. You have the supernumerary and worn-out preachers. You have no wives and children before you. But these three descriptions of persons come before this Court, so that this Court is bound, in acting, to declare that these persons are prosecuting in behalf of themselves and of those who possess the same right with them ; so that the question is not embarrassed by any formal difficulty of that sort. It comes up clearly, distinctly, and fairly, for the judgment and decision of this Court.

In the consideration of this subject, I propose to inquire into the character of this fund. That is the inquiry in the first point which I have laid before your Honours. In all these cases of charities, you are aware that there has been a vagueness in the character of the trust which is designated for a charitable use. That vagueness seems to be almost essential. It has almost always existed in regard to them. Sometimes they exist only by implication ; for instance, the case of Lady Hewley's charity, a leading case in modern days, in which the law has probably been finally summed up. It was held that her gift of a piece of land, as a foundation for Protestant Dissenters, in a very vague and general way, should be administered by a Court of Equity, and they should inquire into the character of Lady Hewley's religious opinions, in order to ascertain whom she meant by "Protestant Dissenters." That inquiry into the character of the fund, as growing out of the character of those who contributed, of those who formed it, and, if a gift, of those who gave it, has always been a material, necessary, and legitimate subject of inquiry in the administration of these charities.

I will give your Honours all the references to cases which bear on the subject. It is not a controverted subject, as I believe ; but it may be convenient for the Court to have the references, and I will give them all together. The first one to which I refer, is that of *Field vs. Field*, 9 Wendell, p. 400, decided in October, 1832. That decided the question at law. It went upon a mere question of actual organization. It was not a question of equity as to the proper administration according to the intent of the donor, but a question of the mere actual succession of one organization to another. This subject was very fully canvassed in this State, in the case of the Lutheran Church, (*Miller vs. Gable*, 2 Denio's Reports, 518, in the Court of Appeals,) decided finally in December, 1845. It had been previously discussed by the Chancellor, (10 Paige, 646,) and prior to that by Vice Chancellor Hoffman in his reports, to which I have no reference ; his opinion, however, went so much on the theolo-

gical parts of the question, that it does not enlighten us as much as the other. There the whole subject was canvassed. That was a religious charity, and the question arose in a double shape. One was the question of a departure from religious doctrines; the other, a question of departure from adherence to the religious governing body. In all these cases it was held that the adherence should be in point of doctrine, or a Court of Equity would reform or correct the abuse of the property; and when it was plain, and evident, and clear, that the charity was founded in connexion with a religious government, they would always establish it in a Court of Equity; but they held that in that case it must be very clear. They also held, that if in the origin of the charity, it was not so subject, but that those who administered the charity afterwards by agreement and voluntary connexion did subject it, that it was not misapplied, although the body afterwards withdrew from that ecclesiastical connexion, and it then stood only on the question of conformity of doctrines. However, your Honours will no doubt find great instruction upon this subject from that case.

The other cases bearing on the subject I will give without comment. In 1814, the case of *Davis vs. Jenkins*, 3d Vesey and Beame's, 152. You will find in this case a very minute and careful inquiry, free from all collateral inquiries, into the character and understanding of the founders of the charity. I cite it to show that this inquiry into the character of the original foundation of the charity, the nature of the contributions, and the character of the men who contributed to it, goes to enlighten the Court in ascertaining the character of the charity in order to execute it. The case of the Attorney General *vs. Pearson*, 3 Merivale, 352. It also appears in 7 Simon's Reports, 290, republished in 10 English Chancery Reports, 61. That merely upholds the principle that the doctrines of the founder of the charity, it being a religious one, should be enforced, and that a majority of the trustees, a temporal body, should not be permitted to use the property in deviation from those doctrines. Again: in the case of *Leslie vs. Burney*, 2 Russell, 114, also reported in 3 English Chancery Reports, 46, which was the case of a meeting-house in London of the Scotch Presbyterian Church. There was an election by the elders and communicants, excluding the seat-holders. That was contested, on the ground that these seat-holders had all contributed; but it was held that as that Church was founded by Scotch Presbyterians this was right, and such a mode should be upheld. This shows that in going into this inquiry, the character of the fund, the character of the donors constituting it, and all that contribute to a fund which grows out of its origin, should be looked at and regarded in the decision upon it. The case of the Attorney General *vs. Shore*, 7 Simon's, 290, note, was a similar case to that of the Attorney General and Pierson. Another case, not however bearing very directly on the question, but to which I will give a reference, is *Milligan vs. Mitchell*, 3 Milne and Craige, 77.

We contend, in regard to the character of this fund, that the capital arising from the profits of the Book Concern was the result of the common labours and services, of all the members of all the conferences. It was not a charitable fund merely from donations. It was not a charity of that sort in which the beneficiary comes, without any previous right, to beg alms. It was not a gift. It was a charity which grew, as we shall attempt to show, out of actual, laborious, self-denying, beneficial services; just as much as any Savings' Bank or Life Insurance. At the same time, from the transitory character of the beneficiaries of the fund, it became in law one of those things which must be administered as a charity. We say it was a fund of earnings to make up the deficiency of compensation for services rendered, and to provide for those who earned it, when they became incapable of labour, and for those who were dependent on them.

Now let us look to the character of this fund; and this, in my humble judgment,

is a very material inquiry in this case ; for the question of " forfeiting," as it is put in the answer, is a very different thing from entitling yourself to alms. It is a question here distinctly put as a question of forfeiture. A man comes to me for alms ; it is a matter between me and my conscience whether I will give him alms—he has no right. But if a servant, who has rendered me services during the prime of his days, upon the understanding that I should take care of him in his old age, and I gave him no bond for it, and he has become old and decrepid, the Court will see how different is the application he makes to me, from a man with whom I have had no connexion at all. You cannot but see that in this case there is in the outset a natural equity—there is an appeal to the very foundation out of which the charity itself springs. There is in the very nature of the subject, a light to guide us in the consideration of this matter.

How did this fund arise ? Your Honours, in examining Emory's History, will find that it had its origin with the preachers of the Methodist Church. They undertook to see to the supplying of books, and they were to see to payment for the books. Upon our book, No. 1, page 17, we find this extract from the " History :"—

" Ezekiel Cooper is appointed the superintendent of the Book Concern," (Ezekiel Cooper was in fact the founder of the profitable Book Concern.) " who shall have authority to regulate the publications, and all other parts of the business, according to the state of the finances from time to time. It shall be his duty to inform the annual conferences if any of the preachers or private members of the society neglect to make due payment."

There you perceive the preachers and private members subject to ecclesiastical jurisdiction. They are to see that these books realize money.

" He may publish any books or tracts which, at any time, may be approved of, or recommended by, the majority of an annual conference, provided such books or tracts be also approved of by the book committee, which shall be appointed by the Philadelphia Annual Conference."

It was therefore the taste of the annual conferences which was to determine what books were to be printed. Ezekiel Cooper had not the right of a common bookseller to print what he pleased ; that was a right of the preachers, meeting in annual conferences, which were composed of all the preachers, and were not delegated bodies. In 1800, the General Conference was composed of all the members of all the annual conferences. Their taste in the selection, their reading, their examination of subjects, was that which led to the adoption of the books which should receive the *imprimatur* which gave them a currency, and made their publication profitable.

" Let his accounts and books be examined by the Philadelphia Conference at the time of the sitting of the said conference.

" It shall be the duty of every presiding elder, where no book-steward is appointed, to see that his district be fully supplied with books."

So your Honours will see that it did not merely mean that this community, which perhaps lacked intelligence and information more at that day than at the present, should be left without having the benefits which the press distributes over every community where it is known. There you have one of the elders determining that matter ; but they did not leave it there.

" He is to order such books as are wanted, and to give directions to whose care the same are to be sent ; and he is to take the oversight of all our books sent into his district, and to account with the superintendent for the same."

" Our books." Whose books ? Why, the books of these preachers ; their books as a denomination : those which they sanctioned, which they selected and caused to be distributed, and in fact persuaded to be purchased. Again :—

“He is to have the books distributed among the several circuits in his district, and is to keep an account with each preacher who receives or sells the books ; and is to receive the money, and to forward it to the superintendent.”

Every preacher, therefore, was an agent in the diffusion of the literature of the Church ; a wise, very wise plan—wise for the people, and wise for the government of the Church : but it was the act of the preachers ; it was the labour of the preachers that made this the great Book Concern, which it ever came to be. The preachers, we have already seen, selected the books ; the presiding elders had it in charge to see that they were supplied to the preachers in their several circuits ; and they were to sell them. Again :

“When a presiding elder is removed, he is to make a full settlement for all the books sold or remaining in his district ; and is also to make a transfer to his successor of all the books and accounts left with the preachers in the district, the amount of which shall go to his credit, and pass to the debit of his successor.”

Thus it will be seen, that this was a business most strictly and directly connected with the ministry of this Church, calling not only for activity and labour on their part, but pecuniary accountability on the part of every preacher in every Methodist circuit.

“It shall be the duty of every preacher, who has the charge of a circuit, to see that his circuit be duly supplied with books, and to take charge of all the books which are sent to him, from time to time, or which may be in his circuit ; and he is to account with the presiding elder for the same.”

That does not mean that he is merely to bring the books, that his people may purchase them, although that would be a meritorious participancy in this fund ; but it meant, “Sir, in your preaching press upon your people the necessity of learning, as well by the press as by the living voice, the doctrines, practices, morals, and virtues of this religious faith which you preach to them.” Again :—

“When a preacher leaves his circuit, he must settle with the presiding elder for all the books he has disposed of ; he is also to make out an inventory of all that are remaining unsold, which shall be collected at one place ; the amount of which shall go to his credit, and be transferred to his successor, who is to take charge of the same. If the preacher who has charge of the circuit be negligent in dispersing the books, the presiding elder shall commit the charge of the books to another.”

What more distinct agency could be established ? What more distinct services called for ? What stronger and more conscientious accountability upon a mortal man than is by this system established upon all the preachers ?

“The superintendent of the book business may, from time to time, supply the preachers with books in those circuits which are adjacent or convenient to Philadelphia, and settle for them with the same ; in such cases the regulations respecting the presiding elders are not to apply.”

That is, in the districts adjacent to Philadelphia, you need not go through the formality of receiving the books from the presiding elder, but the superintendent may supply you directly. Then again :—

“Every annual conference shall appoint a committee or committees, to examine the accounts of the presiding elders, preachers, and book-stewards, in their respective districts or circuits. Every presiding elder, minister, and preacher, shall do everything in their power to recover all debts due to the Concern, and also all the books belonging to the Concern, which may remain in the hands of any person within their districts or circuits. If any preacher or member be indebted to the Book Concern, and refuse to make payment, or to come to a just settlement, let him be dealt with for a breach of trust, and such effectual measures be adopted for the recovery of

such debts, as shall be agreeable to the direction of the annual conferences respectively.

"There shall be no drafts made upon the Book Concern till its debts are discharged, and a sufficient capital provided for carrying on the business; after which, the profits arising from the books shall be regularly paid to the Chartered Fund, and be applied, with the annual income of the funded stock, to the support of the distressed travelling preachers and their families, the widows and orphans of preachers," &c.

There was the foundation of this fund. And I ask if ever a fund exhibited, under the name of a charity, so much of the aspect of the accumulations of a partnership; and if there ever was a fund which provided so equitably and justly a retiring pension for these men, who, for a trifling yearly salary, not enough to pay for a fashionable dinner, served year after year in the wilderness, and spent their best days in toil? Have they not a right, above the ordinary beggar of alms, to a fund growing out of their own exertions? We are to look at this matter in all its aspects. When we look at the administration of this fund, to see how it is to be dealt with, your Honours must not lose sight of the character and the services of the persons by whom it was established. You see that the character of this fund is thus impressed upon it by its establishment; and nothing, it seems to me, can be clearer than that it was intended to create a fund, so far as was practicable, for the first great object of enlightening this Methodist community as to religious truth, as to their morals, and as to their habits of life; and that the second great object was, that when this institution should be carried out, the preachers themselves might have some little stimulus for activity, and that they should be entitled to look for an absolute support from this fund for the wants of old age, and the wants of their dependents, and the wants of their poor and suffering brethren. This was first given to the "Chartered Fund." That "Chartered Fund" it is not necessary to notice further than to say, that it was an incorporation for the mere purpose that is expressed—the support of distressed travelling preachers and their families.

The next thing in the history of this fund is in the Conference of 1804—the last General Conference before they became delegated bodies. There was then this variation, that instead of being paid to the Chartered Fund, it was to be administered through the annual conferences. The Conference of 1804 provided that,

"The profits arising from the Book Concern, after a sufficient capital to carry on the business is retained, shall be regularly applied to the support of the distressed travelling preachers and their families, the widows and orphans of preachers, &c. The general book-steward shall every year send forward to each annual conference an account of the dividend which the several annual conferences may draw that year; and each conference may draw for their proportionate part, on any person who has book-money in hand, and the drafts, with the receipt of the conference thereon, shall be sent to the general book-steward, and be placed to the credit of the person who paid the same. But each annual conference is authorized, at all events, to draw on the general book-steward for \$100."

This continues to be the establishment of this fund up to the present time. There has been no change as to this. It is yet paid to the annual conferences, and by them distributed.

Before I make any further remarks on this, I beg to call your Honours' attention to the allowance made to the preachers of this communion during all this period. I say, "during all this period;" for though I quote the amount from the Discipline of 1840, you will see that it never could have been much less. On page 29 of Book No. 1, I read,—

"Of the allowances to the ministers and preachers, and to their wives, widows, and children."

"The annual allowance of the married travelling, supernumerary and superannuated preachers, and the bishops, shall be \$200, and their travelling expenses."

Two hundred dollars is the entire allowance to travelling preachers, if they are married ; it was the entire amount allowed these gentlemen who were travelling in this wilderness, and disseminating Christianity. And if they were bishops, they had the same allowance. Then we have another class of persons,—

“The annual allowance of the unmarried travelling, supernumerary, and superannuated preachers, and bishops, shall be \$100, and their travelling expenses.

“Each child of a travelling preacher or bishop shall be allowed \$16 annually, to the age of seven years, and \$24 annually from the age of seven to fourteen years, and those preachers whose wives are dead shall be allowed for each child annually a sum sufficient to pay the board of such child or children during the above term of years: *Nevertheless*, this rule shall not apply to the children of preachers whose families are provided for by other means in their circuits respectively.

“The annual allowance of the widows of travelling, superannuated, worn-out, and supernumerary preachers, and the bishops, shall be \$100.

“The orphans of travelling, supernumerary, superannuated, and worn-out preachers, and the bishops, shall be allowed by the annual conferences the same sums respectively which are allowed to the children of living preachers. And on the death of a preacher leaving a child or children without so much of worldly goods as should be necessary to his, her, or their support, the annual conference of which he was a member shall raise, in such manner as may be deemed best, a yearly sum for the subsistence and education of such orphan child or children, until he, she, or they, shall have arrived at fourteen years of age. The amount of which yearly sum shall be fixed by a committee of the conference at each session in advance.”

We should have printed in Book No. 1, an extract from the Discipline of 1840, to show how the fund of the preachers is made up. I find on pp. 170 and 171 of the Discipline of 1840,—

“The more effectually to raise the amount necessary to meet the abovementioned allowance, let there be made weekly class collections in all our societies, where it is practicable.”

Now this was a very peculiar charitable fund, and the question about all these funds of charity is, how far is the intention of the founders established by their language, or by their circumstances taken in illustration of the language and the character of the fund, at its original establishment, in connexion with the uses to which it is designed to be applied. I, therefore, remark, concluding upon the point of the peculiarities of this fund, it was a profit from the services of the travelling preachers, as an earned profit of common labour. This book fund was nothing but a profit from this bookselling, and this bookselling was conducted by the preachers. The books were selected and supplied by the preachers. The preachers were accountable for the debts in the first instance. If they were not careful, if they were guilty of any neglect of duty, they stood responsible to their community for a breach of trust.

During the time that they were rendering this service what were they getting? Two hundred dollars a year, if married, to support themselves and their wives. Besides this they were allowed “travelling expenses,” not for the expenses when the travelling was terminated, but for the actual *travelling* expenses. If they had to go from New-York to Boston the expenses on the journey were paid, but those were all that were included under “travelling expenses.” Upon this system this community lived, and flourished, and prospered. Now, was there anything for these men to depend on? To what could they look in futurity—for themselves in old age, for their wives when they became too old to labour, for their children in their infancy, and for their widows? What was that which would permit a man, with any regard to his obligations to his family, to go into this missionary service, except that he thought he might be provided for by a miracle? It was this, substantially this, fund; for

excepting the Chartered Fund growing out of donations, and that not a very large one, this fund was the only hope of infancy and old age, and the only means of the discharge of all that parental duty, and that duty of economy which every man owes to himself in making some provision for the future, and not presumptuously tempting Providence to supply him by a miracle. That is the character of this fund.

When you come to dispose of it, your Honours surely are not going to take it like a fund for the propagation of certain doctrines where the slightest deviation from the doctrine will forfeit it. If it were a question of that kind, I am sure no Court could ever sit in judgment upon this subject which would not struggle in every way possible, if a struggle were necessary, which would not consider it the plainest of its duties, to see that there should be no forfeiture of such a fund without the gravest, and clearest, and most perfectly-established breach of a substantial obligation; no breach of some trifling thing, no breach of a thing merely technical in its character would be permitted to forfeit that which was the common patrimony of the old, bereaved, and fatherless. These classes of persons all stand together. There is no provision applicable to the preachers, superannuated and supernumerary, different from that which applies to the widows and orphans. And if the conference is out of the pale of this Methodist Church, so that it has no right to the fund, the orphans and widows go with them. That is the doctrine of our friends on the other side. It comes to this; and I therefore submit to your Honours, when you come to examine this subject, that upon this question of forfeiture my learned friends must make the sun shine brightly. It must be a noon-day sun which will enable you to see any forfeiture by which the rights of such beneficiaries to the fund thus established shall ever be thought of. It was in no respect a mere gratuitous and charitable fund growing out of donations to maintain a particular faith or mode of ecclesiastical government. It was a retiring pension, or savings' bank, for the supernumerary and worn-out preachers, and their widows and orphans. I do not deny that a connexion with Methodism, that good standing in a Methodist Episcopal Church, was probably an implied condition in the establishment of this fund. I say an implied condition, because it is not expressed; it is implied from the fact that the provision in the Discipline of the Methodist Church speaks of these superannuated and worn-out preachers; but it is merely implied, and the extent and degree to which it is to be implied is very much in the judgment of the Court taking into view the nature and character of the fund.

Let us ask ourselves, if any of these men, when they were at their labours, should have had it put to them: "Well, my friend, by-and-by you will become feeble and decrepit, and perhaps you may go to a Baptist or a Presbyterian Church, do you mean, now, that if you do that, you shall have no share in this fund?" perhaps, if he was a very zealous man, he would say, "Yes, I mean that." But I think men in general would say, "Well, that is a thing which I did not think of; I do not know: it would be very hard, in my old age, to visit my infirmity in that way." My learned friends have, on this subject, it seems to me, a heavy task to make out, that the most strict, and perfect, and literal conformity to everything is necessary before this fund can be partaken of by these beneficiaries. Certainly, the exact conformity could not apply to widows and children. The establishment of this fund had for its primary object, (as the most of these charitable funds have,) the spreading of religious faith and the supplying of religious instruction. But it was not established to preach Methodism after a dividend had accrued. It was retroactive. Its benefits were thrown backward; it was for past services; the benefits lay before them to be sure, but the services out of which they became entitled to them were behind, and the

contribution every year was not for the services of the preacher who preached this year, but for the services last year.

Let us look a little now into the application of this question as it arises. Here are the widows, and the old and worn-out preachers of the Methodist Church of the South of the present day. This fund began to be established in 1800—fifty years ago. It seems most probable that a vast majority of all those who can now participate in this fund are the very persons who have become worn-out; that is to say, taking the whole Connexion of the North and the South, the supernumerary and superannuated preachers, who would now partake of the fund, are the men who were at work from 1800 to 1840, or 1845, and who became superannuated and worn-out. So you will see what a sacred trust it is, what a sacred charity, if it is to be called a charity; with what rights those come whom we represent, when they come on the ground that here has been a divided dominion—when the question has been put,

“ — Under what Prince, Bezonian? Speak, or die,”

and they are charged to have made an unfortunate answer. I am sure, when you come to examine this subject, you cannot examine it as stoics. You cannot do it but as men, Christian men, men used to the instruction of the pulpit, and who cannot but admire the self-denial of those who have gone about disseminating Christianity among the poor and ignorant of this country, and for such a paltry consideration in money.

I submit that there was in it the nature of a common property of earnings, not of gifts, and it can only be called a charity by reason of the technical manner in which it is to be administered.

I come now to another feature of this plan. That which is relied upon to forfeit it from our beneficiaries, is the act of the annual conferences in the South. Those conferences, our learned friends say, have done that which made them seceders. Well, what had they to do with this fund? What right had they? The supernumerary and worn-out preachers belonged, nominally, to those conferences; they had a right to be present, but I suppose, in point of fact, that those who were too old to preach would not very extensively mingle in those warlike acts to which our friends, in the report of 1848, on the state of the Church, which I understand is to be referred to, allude. Are the wives, and the widows, and the children, to be affected by the action of the annual conferences? If the forfeiture is to be enforced according to the doctrine of our learned friends, then it attaches not to the absence of the Methodistical character, because any one of these beneficiaries may be as orthodox as can be, may be perfect as a Methodist, yet if the annual conference has gone off it is forfeited. Is an annual conference to forfeit it when it has no more right to the fund, than has the clerk of a bank to the money which passes through his hands? It is the act of that body which is relied upon as the forfeiting act. I shall be glad to hear the argument which shall establish any right of forfeiture by the action of a mere agent. At any rate, it must be established by something exceedingly clear, because it certainly is a thing the most revolting in the world, not only to every legal, but to every common idea of justice. A man can hardly begin to apprehend what justice is, and not see that such a thing as this would be most grossly unjust. It would be equal to the laws of Draco, excepting that instead of dealing in blood it dealt in starvation.

One other proposition on the subject of this fund to show how sacredly it was regarded by this Church itself. I say it was distributed by the annual conferences, but belonged in actual right to the beneficiaries, and, as such, was and is protected by the sixth restrictive rule. This is the second point which I have submitted to your Honours. A word now as to the general character of these rules, which I shall

afterwards more particularly examine. They are on pp. 28 and 29 of Book No. 1. The General Conference, prior to the establishment of these restrictive rules, consisted of all the Methodist preachers, who, instead of meeting in annual conferences, met in the General Conference. Their power was unlimited. But when they came to act by delegations, the power, as we contend, remained equally unlimited, except as it was restricted by the restrictive articles. When they came to put these rules in, the Court will notice in what connexion they put in this provision for retiring preachers and their families. They provide in the sixth rule the following :—

“They shall not appropriate the produce of the Book Concern, nor of the Chartered Fund, to any purpose other than for the benefit of the travelling, supernumerary, superannuated, and worn-out preachers, their wives, widows, and children.”

This is put as a restriction, and it is the only money restriction in these articles. As to all matters of finance and of money, the General Conference can do everything except in this single particular. They put this restriction alongside of the articles of religion. They put it alongside of their episcopacy. They put it alongside of the general rules of their United Societies which form their Church. They put it alongside of the trial of preachers and members. They invested it, indeed, with the most sacred sanctions. They do not say anything about being in connexion with the society, or continuing in it. All that can be said on the subject is, that it is implied, from the rule being a rule of this Church, that it applies to persons who hold the relations of preachers to the Church. And in what relation of preachers to the Church? Preachers who are to be deprived of everything when any change or difficulty may occur in the working of so extensive a system as this, whereby a man may remain a most perfect Methodist, and yet change his allegiance? For instance, if instead of our taking Texas, Texas had taken Mississippi, and it had been a conquered country, and conferences had been forbidden, so that the Church could not be held in that country, would it be held that, in such a case as that, entirely unforeseen, and not expressly provided for, a Methodist preacher who still lived in the conquered country, with his wife and children, was cut off from a participation in this fund, because Methodism in his country had become extinct?

When your Honours come to carry out this charity, you will be glad to be guided through all its difficulties, if they are difficulties, by the consideration of the great equity, the great humanity, and the great justice which pertains to the original institution of this fund. This Church, in this most simple way, provides this fund “for the benefit of the travelling, supernumerary, superannuated, and worn-out preachers, their wives, widows, and children.” That is the trust. It is not connected, except impliedly, with the ecclesiastical connexion; and the extent to which it is to be thus connected, is a matter which will be afterwards discussed. But what I mean to say, and rely upon as having established, I am sure in your hearts, and I trust in your judgments, is, that that which is to defeat this claim, and that which is, in the language of the answer, *to forfeit it*, is not to be any technical departure from one or another mode of government. It must apply to the substantial elements and quality of Methodists, as men of faith and practice, conforming to the faith and practice, to the substantial elements of the Methodist faith rather than to the mere elements of a particular shape of a hierarchy. In this aspect of the case—in the aspect in which the gentlemen on the other side claim it as a forfeiture—it is emphatically an *Indian war*. It does not spare the old man. It does not spare the wife, nor the widow, nor the orphan. It scalps every one. But it is an Indian warfare, not in their intentions. I am very sure that the gentlemen, even the most heated of the partisans in this warfare, would never carry this principle out if they

had seen the extent to which the doctrine necessarily led. I absolve them, from all my heart, from any such thought. Nothing in the history of this society shows that they would ever have thought of or done such a thing ; and if the necessary consequence is, that it is to be an Indian warfare, nothing more need be said to establish the fact, that it was not originally intended. For I venture to say, it is not intended by the most heated men of the present day, that that should be the operation of what they claim to be the system of forfeiture which they would apply to it.

One other word upon this part of the case. In illustrating a little, in anticipation of an argument which I shall presently lay before you, I would now explain that they do not set up any deviation of faith on our part, or any deviation of discipline. All they set up is, that we are not in harmony with their General Conference, and that they are the real, true General Conference. Now I suppose no Methodist will deny, that it is essential that the preachers should be in connexion with an annual conference as with a General Conference. I find in the Methodist Book of Discipline that the annual conference is as necessary a body as the General Conference ; nay, four times as essential. It is the primary body, and the power of the General Conference is only the powers of the annual conferences assembled together. What shall we say of all the Southern country, where, according to the learned gentlemen on the other side, there is not a single man, woman, or child, in connexion with an annual conference as they put it ; because they say these annual conferences are not annual conferences. Certainly, it is a most extinguishing doctrine. Suppose we had every heart and desire to continue with the annual conferences ; suppose, instead of there being an almost unanimous vote of the Southern conferences in favour of division, there had been close majorities, then the minorities of every conference overruled by the majorities, according to my learned friends, must form a seceding conference, or they would have no right to the fund. Now, can it be that that was in the contemplation of those who established this fund, or shall it be in the contemplation of those who take it up in a new and unforeseen case, and undertake to say what would have been the decision of those who established it, if they had foreseen the case ? Can it be that those are to be excluded who are in connexion with the annual conferences ? Here are annual conferences adopting every principle of Methodism ; the primary governing bodies of the Methodist Church. These people are in firm, and in close connexion with them, but merely differing from a certain number of those who represent the other conferences in a General Conference. Can you conceive of a slighter ground of forfeiture than that ? That is what is set up in the answer. They do not say that we make ourselves unworthy recipients of this charity ; it is, that admitting us to have rights, we forfeit them, and that the forfeiture is by reason of our remaining in connexion with the primary governing bodies, submitting to the Discipline, adopting the doctrines, and conforming to the practices and usages in every respect, but that our conferences think it necessary, for the harmonious action of the Methodist Church, for its action as a Christian body giving light in the Southern country, that they should act separately ; and that that act of independence is a schism, a secession, and such a departure from faith and doctrine, as to strip even the widows and children of a provision made for them by their husbands and fathers in their better days. I cannot conceive that such a doctrine can be established.

This being the character of the fund, I now propose to inquire into the grounds on which the defence say it has been forfeited. The first ground they set up is, that the General Conference had no power to sanction a division. They say, that supposing the General Conference had undertaken in the most explicit way to sanction a separation, they never had any power to do it. In the second place, they say that this

grant of the power of separation as actually assented to, was contingent upon the experiment being made in the Southern Churches of whether they could be ruined first and repaired afterwards, or whether they should prevent the ruin and go on without it. They say : " You should have gone on and experimented, to see whether you would have been ruined ; because you should not go to this until you were nearly ruined." That is the second ground of forfeiture—not stated, to be sure, in that form, but such is the substance of it. They say : " You should have tried an experiment ; and not having experimented, you have not taken the proper means of carrying out your grant, supposing that the General Conference had a right to make it." The third ground is, that we violated the borders as laid down in that Plan of Separation. And the other ground is, that it was all conditioned on the passage, by the annual conferences, by the requisite vote, of an alteration of the sixth restrictive article. In other words, it comes to one of these two propositions : First, they say the General Conference could not grant it ; and secondly, if they could and did grant it, it was conditional, and the condition has not occurred or has been broken. I propose to examine these several questions in detail. I have discussed my third and fourth points—that the title of the beneficiaries at the time immediately before the separation of the Church into two parts was perfect, and it cannot be defeated or forfeited without a clear proof of breach of condition by the beneficiaries. And even if a breach of condition by the annual conferences, by whom the fund was to be distributed, could forfeit, there has been no forfeiture ; because the General Conference of 1844 had the power to consent to an amicable division of the conferences on grave causes touching the general efficiency of the Church.

The question presented here is entirely uncovered, so far as my inquiries have extended, by any precedent ; nor have I seen any principle laid down by any writer on the subject which covers it, except in one case in Kentucky, to which reference will hereafter be made. The question that I shall first discuss, must be disembarrassed of all those questions of whether they did it on condition or not, or whether the condition has been complied with or not. I first wish to discuss the question of whether, suppose they had in express terms enacted, " Be it resolved, by this General Conference, that the slaveholding conferences (naming them) and the Northern conferences (naming them) shall hereafter hold their sessions separate, and they shall be the General Conferences of the Methodist Church called for in the Discipline, and applying to the extent of country in which these annual conferences have jurisdiction," it would have been binding. That is the first plain proposition into which this subject is to be distributed, and which must be examined.

I remark, in the first place, that this case is unprecedented, because here is no dispute at all as to doctrines. It is not set up in the answer that we are heterodox by the shade of a hair. It is not set up that we have violated even the least rule about dress. There is no sort of pretence of any deviation in doctrine, nor anything in morals, in practice, or in Methodist usages. We have adopted their Book of Discipline, word for word, except where alterations are called for by the mere change of the meeting of the General Conference, our meeting being of thirteen annual conferences ; their Discipline has nothing about that. In every other case that has occurred in this branch of the law, there has been a claim that there was a departure in doctrines, and the Courts have always said, that although at law we only look to the regularity of the organization and succession, yet in equity, let the organization be ever so regular, let the succession be ever so regular, if there be a deviation in doctrine it is a misapplication of the trust, if it be held for the diffusion of that doctrine. But here the case is disembarrassed of any such consideration. There is no deviation in morals or doctrines ; in rites, ceremonies, or usages. They have classes ; so

have we. They have circuits ; so have we. They have elders ; so have we. They have travelling preachers who travel all around ; so have we. They have bishops ; so have we. They elect their bishops ; so do we. We institute bishops by the same form of service as they do. In everything we are alike. They are governed by a General Conference ; so are we. Our General Conference have the same powers as theirs,—they have no more power than they had before the separation.

You now see how peculiar this case is. It is a mere question as to the right of these two bodies, while one, to divide and govern themselves by a duality instead of a unity. If that is a thing which forfeits every right depending on this matter, it would not come up upon one side of this question merely. Both sides would forfeit ; that is to say, the Northern Methodist Church would have no more right to this book fund than the Southern Methodist Church. So long as there was a Northern and Southern Methodist who stood opposed to this division, they two would form a whole Church, and all other Northern and Southern men would stand excluded ; because the doctrine which I am now considering, and which my friends must either abandon, or adopt in the strongest manner, is, that the Conference had not the power to consent to a division of it into two bodies. If it had not, is the party who gave the consent any better off than the party who took it ? Was it one body who gave the consent and another who took it ? No, it was the same body who gave it, and the two parts of the body who took it ; and the fund would stand without an owner, unless it should be some stray, worn-out preacher, who had not voice enough to give any dissent, but who had sense enough to employ counsel and claim the whole fund. If the General Conference had not the power, that would be the result.

Again : here is no dispute as to the supreme ecclesiastical body to which submission is due. In all these disputes which have heretofore arisen in this country, it has been as to adherence to this General Assembly or that General Assembly which claims to be the only one, and by its mode of succession establishes the right to be the only one. This is not a claim of that sort. It is a claim of this sort : the parties consent that the general body should act in two parts, and each part be governed by its own general body. But, according to the argument of our friends, there is no General Conference, and there could be none after the act of 1844 ; there could be none in the sense of the Discipline of the Methodist Church. The Conference had consented that the Southern conferences should no longer be represented in that General Conference. I am now considering the question apart from the conditions, supposing the consent to be a clear one. We are now on the question of the power. They having consented that the Southern conferences should not send their delegates to the General Conference, and the Northern conferences should send up their delegates to the Northern Conference at a particular place, I submit that, if their doctrine is true, the Methodist Church is literally cut in two and dead—there is no General Conference. If they deny the power of the General Conference to grant a separation, then there never was a General Conference after that of 1844, and there is an end of this question ; because the general body, to whom the subordinate bodies are supposed to owe allegiance, being destroyed—the king being dead, there is no treason to that king—there is no government. It is another question, and it is a question which I think our learned friends will say does not arise here, because I am sure they cannot meet it.

Again : I submit that this is not the case of a hostile separation ; and notwithstanding the warmth exhibited in the Convention of 1844, they took the wise part, of which Scripture gives a most eminent illustration, when Abraham and Lot separated, that, as they could not agree when together, they might agree when separated.

They adopted that principle ; and although it had been preceded by heats, although the acts which were done were, to the manifest observation of every observer, such as would establish separation, not lead to it—such as to render the co-operation of the two parts of the body any longer perfectly hopeless—they parted in good-will. They shook hands when they separated ; they spoke in terms of affection on both sides. I am very glad to be corrected by my learned friend, as to an error into which I had fallen, in the Conference of 1844 not having excluded Bishop Andrew from the consecration of the other bishops. If you will look at the debates and closing acts of that Conference, you will find that the idea of both parties was, that they should no longer be tied together in this struggling relation ; but should be permitted to go off untrammelled, each with their own particular views, to do good in their own way, and among their own people. This feeling harmonized the termination of that Conference. This, therefore, is not the case of a hostile separation ; and in that respect I am happy to say, that whatever took place afterwards through mischiefs, which I think grew out of the press, the Conference when it separated, when it agreed to this division, did it harmoniously, did it kindly, and in the expectation of a kind communion afterwards.

I submit that this General Conference had the power to consent, from the very constitution of it. Originally there was only one conference, and that was annual. When that came to be divided into several annual conferences, they yet all met together ; and in 1792, I think it was, for the first time they determined to meet every four years. But all the preachers who formed the annual conferences, met in General Conference. I think it will not be denied that in 1792, or in 1800, or in 1804, this body had a right to divide itself. They were all there. To say they had not a right to divide, would be to say that men whose connexion grew, in fact, out of meeting together, had no right to meet otherwise. I do not suppose it can be contended, with any force of argument, that the General Conference before they came to be a delegated body, could not have divided themselves, for grave reasons of convenience, into two. For instance : if there had not been the present great facilities for travelling, they might have established a conference on the eastern, and another on the western side of the mountains. The mere difficulty of communication would have been a sufficient reason, and would have justified it ; and every Court, and every man of sense would have said that it was a proper, prudent, and reasonable thing that the power of the Church, in such a case, should be exercised in a double instead of a single form, or a divided instead of a single meeting.

In 1808 arose a new system ; it was of acting by delegations, and by peculiar delegations. It was acting rather by committees than by delegations. Instead of having fourteen clergymen come to a General Conference, one of the fourteen was selected to carry the power of them all ; and I submit to your Honours, as a proposition which I am sure you will not fail to adopt, that the Conference of 1808, and its successors, had all the powers of the previous General Conferences, except so far as they were limited by the restrictive articles. In vain will you look into this Methodist system prior to 1808, for any restrictions on the General Conference of that Church. If that body had chosen to become Socinian ; if it had chosen to adopt the Presbyterian or Baptist forms, either of government or of doctrine, it was in its power to do it. There was no limit. They represented the Church ; they were the Church. The Church dispersed its light from the preachers. The laity were not known in the governing body. Matters of doctrine, discipline, and everything were in the governing body. If that was so up to 1808, what was that body after that period ? It was the same General Conference. Before, it is probable that preachers from the more distant parts could not attend as well as those who lived near the place where the sessions

were held, and that those who lived nearer would be more fully present than those more distant ; and yet its powers were the same. What then did this change of the system in 1808 effect ? Why, it left the body with the same powers it had before, only that it prevented that inequality, and put specific limitations upon it. I submit that the Conference of 1808, and all which succeeded it, were invested with the full powers of the ecclesiastical government of the Methodist Episcopal Church ; and this is unlike any other Church, because its historian tells us, as I read the other day, that every General Conference provides a Book of Discipline, which contained the articles of religion, and the form of the hierarchy of the Church ; and all its rites and ceremonies, and financial and other arrangements, were superseded by the new Book of Discipline, sanctioned by the new Conference, and published by it. This is put in very plain and intelligible language by Mr. Emory in his History, on the second page of our first book of the Proofs :—

“ In our civil governments, the statutes are scattered through the several volumes of laws which have been published from time to time, and therefore these are all preserved. But in the Methodist Episcopal Church, the Discipline, as revised at each General Conference, being in itself complete, supplants all that had gone before it, and the previous editions are cast aside as of no further use. Thus it has continued, until now nearly sixty years have elapsed since the organization of the Church, and the Discipline has undergone about twenty distinct revisions.”

Before I go into some other considerations, growing out of these restrictive articles, which I think most fully establish the plenitude of the power, I propose to consider historically one or two events, to show that my proposition is correct.

The whole American Methodist Episcopal body was an amicable separation from that in England, and this separation never impeached the quality of any Methodist preachers. Our civil institutions began in revolution. Our civil government was a schism of the most grievous kind ; one of those schisms that warranted an Indian warfare, that warranted execution, hanging, bills of attainder, everything that is known in revolutionary warfare. But the religious separation of the Methodists was the most kindly, peaceful, and regular separation, by the consent of the body of which it was a part, so that from that day to the present they have been in such harmony, that the preachers of one part of it are received, as I understand, without examination as preachers in the other. Looking at the origin of this separation, we find that those who separated were treated as being in perfectly good standing with their brethren, not only in England, but all over the world. I read from page 3 of our book :—

“ The close of the year 1784 constituted a new and most important epoch in American Methodism. The independence of the United States having been confirmed by the peace of 1783, the authority of England over them, both civil and ecclesiastical, came to an end. The connexion with the Church of England being thus providentially *dissolved*, Mr. Wesley, who had always resisted a *separation* from it, took measures, on the application of the American societies, to organize them into a Church. In explanation of his views and wishes, he addressed to the brethren in America the following letter.”

I will not read the whole of the letter, but a paragraph from it on page 5 :—

“ As our American brethren are now totally disentangled, both from the state and from the English hierarchy, we dare not entangle them again either with the one or the other. They are now at full liberty simply to follow the Scriptures and the primitive Church. And we judge it best that they should stand fast in that liberty wherewith God has so strangely made them free.”

That letter was written Sept. 10, 1784. It probably reached this country in the course of the next month. I read on page 5 of our book the following :—

"To carry into effect the proposed organization, a General Conference of preachers was called, to meet in Baltimore, at Christmas, 1784. Sixty out of the eighty-three preachers then in the travelling connexion, attended at the appointed time.

At this Conference,' say the annual minutes for 1785, 'it was unanimously agreed that the circumstances made it expedient for us to become a separate body, under the denomination of "The Methodist Episcopal Church." And again they say: 'We formed ourselves into an independent Church; and following the counsel of Mr. John Wesley, who recommended the episcopal mode of Church government, we thought it best to become an episcopal Church, making the episcopal office elective, and the elected superintendent or bishop amenable to the body of ministers and preachers.' They adopted a form of Discipline for the government of the Church. This was substantially the same with the Large Minutes, the principal alterations being only such as were necessary to adapt it to the state of things in America."

These "Large Minutes" were Mr. Wesley's minutes. I will read from the Discipline of this Conference, (page 6:)—

"*Ques. 2.* What can be done in order to the future union of Methodists?

"*Ans.* During the life of the Rev. Mr. Wesley, we acknowledge ourselves his sons in the Gospel, ready, in matters belonging to Church government, to obey his commands. And we do engage, after his death, to do everything that we judge consistent with the cause of religion in America, and the political interests of these States, to preserve and promote our union with the Methodists in Europe."

This was after Mr. Wesley's letter, and after the dissolution of their connexion with the European Methodists. Again, (page 7:)—

"*Ques. 3.* As the ecclesiastical as well as civil affairs of these United States have passed through a very considerable change by the Revolution, what plan of Church government shall we hereafter pursue?

"*Ans.* We will form ourselves into an episcopal Church, under the direction of superintendents, elders, deacons, and helpers, according to the forms of ordination annexed to our Liturgy, and the form of Discipline set forth in these minutes."

The Discipline they adopted was the same with that of the English Methodists. It was the Large Minutes of Wesley. The organization was the same, excepting that Mr. Wesley was not here, and this body pledged themselves to conform during his lifetime to his commands, and after his death to what should be consistent with the cause of religion, and the preservation and promotion of union with the English Methodists.

Again: upon this subject I would refer to what took place in 1789, which will be found on pp. 10 and 11, which I will not read, but which, I trust, will receive from your Honours the attention it deserves. I shall read now from the Discipline of 1840. I believe it was not read in the course of the reading of the Proofs, but I think it material on this subject—page 36, chap. i., sec. 8.

On Receiving Preachers from the Wesleyan Connexion and other Denominations.

"*Ques. 1.* In what manner shall we receive those ministers who may come to us from the Wesleyan connexion in Europe or Canada?

"*Ans.* If they come to us properly accredited from either the British, Irish, or Canada Conference, they may be received according to such credentials, provided they give satisfaction to an annual conference of their willingness to conform to our Church government and usages.

"*Ques. 2.* How shall we receive those ministers who may offer to unite with us from other Christian Churches?

"*Ans.* Those ministers of other evangelical Churches, who may desire to unite with our Church, whether as local or itinerant, may be received according to our usages, on condition of their taking upon them our ordination vows, without the re-imposition of hands, giving satisfaction to an annual conference of their being in or-

ders, and of their agreement with us in doctrine, discipline, government, and usages; provided the conference is also satisfied with their gifts, grace, and usefulness.”

After the separation from England, and after the separation of the Canada Methodists, when their ministers came to the Methodist body in this country they were to be received, they were not to be re-ordained, there was to be no re-imposition of hands, they were simply to declare their conformity, or their willingness to conform, to the Church government in this country. But when ministers come from any other denomination, although there is no theological re-ordination, yet there is a most complete act of re-institution into the ministry as into the ministry of a different evangelical Church, not holding the orders of other denominations theologically invalid, but holding that this was a necessary change into another Church calling for all those things which indicate a change of allegiance.

On the subject of the Methodist Church in this country separating from the Methodists of England, peacefully and without blame, and remaining unimpeachable Methodists in every sense, the address of the British Conference and the answer to it, from the minutes of 1840, (pp. 64 and 65 of Book No. 1,) are very material. The whole character of this address and the reply to it, is that of parts of the same body addressing each other. The reception of a letter so plain in the character of its reflections, and the kind spirit of the reply to it made by the Conference of 1840, show that these two bodies after the separation did not treat each other as schismatical, as being on the one side seceders and on the other the genuine body. And I cannot but call your Honours' attention to the passage with which the American Methodist Conference closes its reply to the British letter—a sort of *argumentum ad hominem*—in which they adopt the very language of the British Conference in 1833. They quote the language of the English Methodist Missionary Society in their instructions to missionaries, as follows:—

“As in the colonies in which you are called to labour, a great proportion of the inhabitants are in a state of slavery, the committee most strongly call to your remembrance what was so fully stated to you when you were accepted as a missionary to the West Indies, that your only business is to promote the moral and religious improvement of the slaves to whom you may have access, without in the least degree, in public or private, interfering with their civil condition.”

I now submit that the separation of the Canada Conference from the American body was one of those separations which were not schisms nor schismatical. In the short examination which I shall give this subject, and yet which I intend to be a rather full one, the Court will please to understand that I do not pretend to say that some of the gentlemen who took part in that did not consider that, before a consequence of that separation, *viz.* a division of the money, could take place, it was necessary to change the sixth restrictive article. Some of them did certainly so consider, and they agreed to submit to the annual conferences the question, whether the money should be divided. They decided that it should not be done. Then the General Conference almost unanimously voted, that instead of dividing the money or the capital, they would reduce the price of books furnished to the Canada Methodists so that no profit should be made on them for a certain period of years. If they were thus selling the books to seceders, to strangers, they were committing a palpable breach of trust. They gave to the Canada Conference seven per cent., for sixteen years, of the profits of the Methodist books which they sold to them. According to the position of our friends on the other side, they had no more right to give this much away to them than they had to give it to establish a billiard-room.

Let us look into this case. My object in referring to it is to show that in that

separation the Methodist conferences had no idea that there was a schism created, whatever else may have been their notions. I speak respectfully when I say "notions." By notions, I mean opinions very hastily formed, not very well considered, and as I believe, (after reading the documents,) not adopted by the sounder men among them. They acted upon a principle of concession, and finally leaped over a difficulty which they could not bridge. They did wisely; but what I wish to show is, that in that matter there was no idea entertained that there was any secession or schism. The history of this is to be found from page 32 to page 52 of our book of Proofs.

Your Honours will see that this began by a petition in 1828. The Canada Methodists—a portion of the Church held in the highest esteem and respect—put it plainly on the ground that it was their idea that the General Conference could consent to a separation; and in their petition they gave such reasons as I think would satisfy every one as to the power of the General Conference and the propriety of its exercise. The petition begins, (page 32 :)—

"Rev. Fathers and Brethren,—The Canada Conference having, after mature deliberation, deemed a separation expedient, most humbly pray that they may be set off a separate and independent Church in Canada."

If there had been any idea of secession and schism it was only for the Canada Methodists to avow it. They needed no petition, no consent to secede. They might on the ground of the necessity of the case, of their distance from the place of meeting, have seceded and justified themselves, standing the charge of schism. This they did not do; but they went at once, as a body of Methodists of character and respectability, and declared to the Methodist General Conference that the latter had the power to sanction a separation: and they asked for a separation. They then gave the reasons for separation: first, political relations and political feelings; next, the local circumstances of their societies; then, the religious privileges which it is probable they would obtain from their government if they were separated; then, their wanting a bishop who should act exclusively in that Province. This was presented in view of the fact, that in the war of 1812, still in fresh recollection, the people of the conferences were found in arms against each other, and it was impossible for a bishop from the United States to exercise his functions in Canada. They then refer to the general wish of the people in Canada for a separation. These are the things which made a palpable necessity for separation.

They would not certainly ask for a separation if they did not suppose the Conference had the power to grant it. Now look at the manner of the petition. They say, (pp. 33, 34 :)—

"Your petitioners, likewise, most humbly and earnestly solicit that the General Conference may also be pleased,

"1st. To maintain with the British Conference, as far as practicable, the main principles of the late arrangements with regard to Canada.

"2d. That the General Conference will appoint such an individual for a superintendent of our societies in Canada, as may be nominated by the delegates of the Canada Conference.

"3d. That the Church in Canada may be embraced in the general and friendly principle recognised by the two Connexions,—'The Wesleyan Methodists are the same in every part of the world.'"

That was the legend which was the "*E Pluribus Unum*" upon the flag of this society: "The Wesleyan Methodists are the same in every part of the world." After the original separation from the Methodists of England, it was adopted; when the Canada separation took place, they presented that as the great maxim. It is as

much as to say : “ Whether we are separated by distinct organization or not, it is the same body ; it is no schism, no want of orthodoxy in any respect. The petition add, (p. 34,)—

“ 4th. That the General Conference will, together with an independent establishment, be pleased to grant your petitioners a portion of the Book Concern, of the Chartered Fund, and a portion of the fund of the Missionary Society.”

They did not think there would be any difficulty in having their part of the fund granted, because, I venture to say, they considered that the least of all difficulties would be a money difficulty. And yet it proved the greatest, and one which, more than any other act of the Methodist body, exhibits it in a light somewhat equivocal in regard to the duties of its own discipline, if it is as they seem to suppose it be. Then the committee, under the chairmanship of Dr. Bangs, to which this matter was referred in their report, (pp. 34, 35,) say :—

“ The committee are unanimously of the opinion, that, however peculiar may be the situation of our brethren in Canada, and however much we may sympathize with them in their present state of perplexity, this General Conference cannot consistently grant them a separate Church establishment, according to the prayer of the petitioners. The committee, therefore, recommend to the General Conference the adoption of the following resolutions :—

“ 1. That, inasmuch as the several annual conferences have not recommended it to the General Conference, it is unconstitutional, and also, under the circumstances, inexpedient, to grant the prayer of the petitioners for a separate Church establishment in Upper Canada.

“ 2. That an affectionate circular address be prepared by this General Conference, stating the reasons why their request cannot be granted, and expressing the unabated attachment of this Conference for their brethren in Canada, and their earnest desire for their continuance in the fellowship of the Church. All which is respectfully submitted. (Signed) N. BANGS, *Chairman*.

“ *Pittsburgh, May 12, 1828.*”

It was the language of the report that it was unconstitutional to grant the prayer of the petitioners, inasmuch as the annual conferences had not recommended it. Your Honours will see, however, that the separation was granted by the almost unanimous vote of this body, without the slightest hesitation and without the recommendation of the annual conferences. On pp. 35 and 36 I find :—

“ MAY 17.—Rev. John Ryerson, one of the delegates from the Canada Conference, offered the following substitute for the report under consideration :—

“ “ Whereas the Canada Annual Conference, situated in the Province of Upper Canada, under a foreign government, have, in their memorial, presented to this Conference the disabilities under which they labour, in consequence of their union with a foreign ecclesiastical government, and setting forth their desire to be set off as a separate Church establishment ; and whereas this General Conference disclaims all right to exercise ecclesiastical jurisdiction under such circumstances except by mutual agreement ;

“ “ 1. *Resolved*, therefore, by the delegates of the annual conferences in General Conference assembled, that the compact existing between the Canada Annual Conference and the Methodist Episcopal Church in the United States, be, and hereby is, dissolved by mutual consent.

“ “ 2. That our superintendents or superintendent be, and hereby are, respectfully advised and requested to ordain such person as may be elected by the Canada Conference as superintendent for the Canada Connexion.

“ “ 3. That we do hereby recommend to our brethren in Canada to adopt the form of government of the Methodist Episcopal Church in the United States with such modifications as their particular relations shall render necessary.

“ “ 4. That we do hereby express to our Canada brethren our sincere desire that the most friendly feeling may exist between them and the Connexion of the Methodist Episcopal Church in the United States.

“ 5. That the claims of the Canada Conference on our Book Concern and Chartered Fund, and any other claims that they may suppose they justly have, shall be left open for future negotiations, and adjusted between the two Connexions.

“ G. R. JONES,

MOSES CRUME.’

“ May 17.

“ The question on the first resolution was decided in the affirmative—104 for, and 43 against it.”

Thus the Court will see that the first resolution, which purported to dissolve this connexion between the conferences, had the voice of 104 for it, to 43 against it.

MR. CHOATE,—The gentleman must remember that that vote was afterwards reconsidered.

MR. LORD,—I will give the history of that. The only effect of the reconsideration was to authorize a separation without this first resolution. But what is the meaning of this first vote? It is that one hundred and four thought this was constitutional, and forty-three thought that it was not. Is that nothing? Suppose they did reconsider it. How was the question presented? There was a report from Dr. Bangs, that as this was without the recommendation of the annual conferences it was unconstitutional, and a Canada gentleman, apparently a stranger, proposes a substitute that it is constitutional, and one hundred and four vote in favour of the substitute, and forty-three doubt the constitutional power. Now, how idle is it to talk about reconsideration upon such a subject as this! There might be a reconsideration on the subject of expediency, but upon the question of constitutional right, let gentlemen explain it to me in consistency with the fairness and maturity of the men who gave that vote, how can it be that one hundred and four deliberately considered it both constitutional and expedient, and then reconsidered it, unless that reconsideration was on the question of expediency and not of constitutionality? When they gave the first vote they must have considered it both constitutional and expedient, and when they reconsidered it, it might have been in view of a better and more harmonious plan, or it might have been in view of a simple question of expediency. But how can one hundred and four have voted for it, if they did not suppose it was constitutional? Then the record says: “The other four resolutions were, on motion, referred to a special committee, to consist of five members.” Those four resolutions were those carrying out the Plan of Separation. That committee reported other resolutions which formed the substitute eventually adopted in place of that first resolution. The first resolution reported by this committee was:—

“ If the Annual Conference in Upper Canada, at its ensuing session, or any succeeding session previously to the next General Conference, shall definitely determine on this course, and elect a general superintendent of the Methodist Episcopal Church in that Province, this General Conference do hereby authorize any one or more of the general superintendents of the Methodist Episcopal Church in the United States, with the assistance of two or more elders, to ordain such general superintendent for the said Church in Upper Canada, provided always that nothing herein contained be contrary to, or inconsistent with, the laws existing in the said Province; and provided that no such general superintendent of the Methodist Episcopal Church in Upper Canada, or any of his successors in office, shall at any time exercise any ecclesiastical jurisdiction whatever in any part of the United States, or of the Territories thereof; and provided also that this article shall be expressly ratified and agreed to by the said Canada Annual Conference, before any such ordination shall take place.”

The second and third resolutions reported by that committee were consequences of this. Then we find (pp. 38, 39):—

“ WEDNESDAY MORNING, MAY 21.—It was, on motion, *Resolved*, That the subject of the petition from the Canada Conference be resumed; whereupon the resolutions,

as reported by the last committee appointed on that subject, were read. It was then resolved that the subject shall now be considered and acted on.

"Samuel H. Thompson moved, and it was seconded, that the resolutions, as reported by the committee, be adopted. The question being taken, it was decided in the affirmative—108 voting in favour of adoption, and 22 against it."

These resolutions, as has already been seen, provided for the manner of the organization of an independent Methodist Episcopal Church in Canada. It was providing completely for the case contemplated by the first resolution of Mr. Ryerson. Then (page 29) :—

"MAY 23.—J. Emory moved, and it was seconded, that the resolution first adopted on the subject of the separation of the Canada Conference from the Connexion in the United States, be reconsidered, and the motion prevailed. It was then resolved, on motion, that this resolution be rescinded."

This resolution first adopted they had superseded by the passage of the resolutions reported by the committee. This second series of resolutions, which were adopted, provided for the complete establishment, at its own choice, of a Methodist Episcopal Church in Canada, with its bishop, and its bishop not to have power in the United States, but to be limited to Canada. They then repealed the first resolution, which they had previously passed, but which had become perfectly unnecessary, because it spoke of dissolving a compact, when here provision was made for the establishment of an entire and separate Church.

From the reading of these documents, in regard to the Canada case, it does seem to me very clear that the General Conference of 1828, not only by its vote of 104 to 43 asserted the power of consenting, upon such reasons as were there presented, to the establishment of separate Churches, but also absolutely carried it out by the resolutions reported by Dr. Fisk, as the chairman of this committee, which were adopted by the Conference. And when this report was adopted, the less efficient provision before adopted was rescinded as useless. This would seem to be the natural supposition, also, because on this complete plan the vote was 108 to 22, and it was adopted by a much larger majority than the other prior resolution had been.

Then came up the difficulty about the Book Concern; and it is somewhat unpleasant to see that there should be so much more difficulty about dividing funds than dividing members. There has always certainly been a bone of contention about that which did not exist in regard to theological difficulties. It is a difficulty which I confess is surprising to me, because everything about this body, and everything about its institutions, exhibits such an adoption of honourable poverty, such self-denial in regard to money and money affairs; and it is one of the strange things which this investigation has brought me to notice, that with a body so entirely honourable as this, there should be this poor business of making difficulties as to dividing funds which did not exist with regard to dividing bodies. As will be seen on pp. 40, 41, a report of a committee came in on this subject. It will be noticed that after this organization of the new Church, there remained several new things to be done in connexion with it, and one was as to the supply of books and the apportionment of the book-fund. The provision for the organization of a new Church in Canada did not settle the question in relation to the book-fund. In 1832 this subject came up, and in what manner? Not on a "petition" from the Canada Conference. In 1828 the question first arose on a "petition," but now in 1832 we find it come up in a very different style on "An Address from the Delegates of the Methodist Episcopal Church of Canada." Here you have a newly-organized Church, perfectly independent of this body, addressing it—addressing it not as schismatics, not by way of recantation, not by way

of asking forgiveness, not by way of any deprecation, but claiming rights. Here was a Church which had been organized by the very consent of this body, now presenting itself in its new organization, and in its new independence, not with a petition, but with an address—not with a supplication, but with an ambassador.—Page 39.

“MAY 4, 1832.—An address from the delegates of the Methodist Episcopal Church of Canada was presented and read; and, on motion, that part of it relating to the Book Concern was referred to the committee on the Book Concern, and that part of it relating to missions, referred to the committee on missions.

“MAY 18.—On motion, the report of the committee on the Book Concern, respecting the Canada business, was called up.”

A debate was then had upon it. It was again debated on the 19th, 21st, and 23d of May. This address, as has been seen, related to two subjects—the Book Concern and missionary concerns. The report here referred to, related to the Book Concern. It will be found on page 41. It was :—

“The committee to whom was referred the business of the negotiation with the delegates of the Canada Conference on the subject of our Book Concern, having had the same under their serious consideration, are of opinion that, in consideration of their former relation to us, and the friendly feeling and brotherly affection which now exist between the two Connexions, as well as in view of the liberal and efficient support they have formerly given to the Concern, an apportionment of the property of the Concern ought to be made to them.”

These gentlemen, after consenting to the establishment of a new Church, declare that it is an equitable principle that an apportionment of the property ought to be made, particularly on account of the former relations which had subsisted between them. Here we have a principle of equity declared, which must govern, and ought to govern, in regard to this Book Concern, in every case. This Conference of 1832 declared as a principle of equity, that in consideration of the past—and it was a much better past in the Southern Church towards this great body, than the past of that poor Canadian Church, whose benefit to the general body was for the most part to allow them to exercise charity—an apportionment of the property ought to be made.

I ask nothing of your Honours in this case, but to incorporate that phrase into your decree; that you will only declare, with regard to us, as the Conference of 1832 declared in regard to Canada—that in consideration of our former connexion with this body, and the friendly feeling and brotherly affection which now exist between the two Connexions, as well as in view of the liberal and efficient support which we formerly gave to the Concern, it is equitable an apportionment of the property of the Concern ought to be made to us. Now, what prevented this being done in the Canada case? I will continue to read the report :—

“But as constitutional difficulties are believed to be in the way of such an appropriation by this Conference, because they have not been instructed on this subject by their constituents, according to the proviso at the end of the restrictive regulations, they beg leave to submit, for the adoption of the Conference, the following resolutions.”

These resolutions were to submit the matter of apportionment to the annual conferences. But what is the meaning of this report? Why, the fair and honest view is, that “we consider in justice this thing ought to be done; this fund is not our fund, exclusive of the preachers in the Canada Conference, and ought to be divided; but we regret that we have not the power to do it,—that there are constitutional difficulties to such a thing being done; but, inasmuch as it ought to be done, we shall refer the question to the annual conferences.” So far as the act of the General Conference is concerned, it is decisive of the question of equity, and not decisive of the question of power over

the fund, as they left that to the annual conferences, and the latter would not agree to it. Our learned friends on the other side intend to refer to the fact that the Southern conferences at that time did not agree to this division. That does not establish the law. Undoubtedly, the view of the General Conference, the great legislative body of this Church, when it was enlightened by discussion, was, that though there was doubt as to the constitutional power, yet there was a plain equity which ought to direct a part of it to the support of the Canada preachers. That is the way in which this thing stands. So far as our friends ask to have your Honours consider the weight of the authority of the Southern conferences, they are very welcome to it. I conceive that these questions of constitutional power over funds belong more properly to a court of justice.

The manner in which the vote was taken on this subject is worthy of great consideration in this connexion. In the first place, the Conference sanctioned the formation of a separate Church in Canada, and they treated this separate Church as not schismatical. Secondly, they conceive there are difficulties in regard to the restrictive article. Whether these difficulties were such as would have precluded any particular preacher from coming and claiming, after that separation, a right to this fund, was not before them: the right to divide the fund itself they think ought to be known, and they therefore thought it was safe to submit it to the annual conferences; and the conferences voted that they would not consent to this. Then what took place? I would call attention, without reading them, to pp. 43, 44, and 45, to show the character in which the two bodies held each other after this separation. The vote came in, whereby the conferences decided not to consent to this Book Concern being divided. The Conference of 1836 then took up the subject, and they appointed a committee. That committee examined the votes, and found that the necessary number of votes had not been given by the annual conferences; and then the committee go on to say (page 49):—

“But inasmuch as the General Conference have ever claimed and exercised the right to regulate the discount at which our books may be sold to wholesale purchasers, and with a view to an amicable and final arrangement of all the difficulties which have existed on this subject, and especially with a sincere desire to go as far as justice to the Methodist Episcopal Church will authorize, to encourage and perpetuate the friendly and fraternal feelings which should ever exist between the different members of the great Methodist family, the committee submit to the consideration, and for the adoption of the General Conference, the following arrangement, mutually agreed to by the delegates from Canada and the book agents, and which we are assured will be satisfactory to our Canadian brethren, if sanctioned by this Conference.

“Whereas the Canada Conference, now in connexion with the Wesleyan Methodists of Great Britain, was formerly united to, and formed part of the Methodist Episcopal Church; and whereas the union, which by mutual consent then subsisted, was dissolved at the earnest and repeated solicitations of the ministers and members of the Church in Canada,” &c.

Was this the language of a Church towards schismatics? Then comes the agreement.—Pp. 50, 51.

“The agents of the Methodist Book Concern shall furnish to the book-steward of the Canada Conference any of the books which may be issued from its press at the following rates, subject to the conditions and provisions hereinafter named:—

“The general alphabetical catalogue books, whether in sheets or bound, shall be sold at forty per cent. discount from the retail prices, as long as the present discount of one-third shall be made to wholesale purchasers; but should the discount be hereafter changed to one-fourth, then, in that case, the books sold to the book-steward of the Canada Methodists shall be charged at a discount of one-third from the retail prices, which shall, from time to time, be affixed to them respectively.”

That is to say, instead of giving you a part of the fund directly, we will give you a share of the profits by a reduction of seven or eight per cent. on the prices of the books we furnish to you. Then on page 52 :—

“It is understood and agreed, that the privileges herein secured to the Canada Conference, shall be binding on the Methodist Book Concern until the first day of May, 1852, next ensuing the present date.”

So that this arrangement was to continue for sixteen years. Then again, (p. 52 :)—

“Finally, it is hereby mutually understood and agreed, that the foregoing arrangement is considered as a full, and definite, and satisfactory adjustment of the question which has arisen between the Canada Conference and the Methodist Episcopal Church, on the subject of the Methodist Book Concern.”

Then on the 23d of May, 1832, (p. 52, but which should be on p. 41,) after the Canada Church had presented itself as an independent, we find :—

“MAY 23, 1832.—On motion of P. Akers, which was seconded, *Resolved*, That a copy of the resolution of the last General Conference, by which the Canada Conference was allowed to dissolve connexion with the Methodist Episcopal Church in the United States, and also a copy of the acts of this General Conference on Canada affairs, accompany the resolutions about to be presented to the annual conferences.”

Now, what was the result of this Canada transaction? In the first place, the Canada Conference conceived that this General Conference could divide itself without schism. Secondly, this Methodist Church did consent to the Canada Conference organizing itself as a Methodist Episcopal Church without a schism. Thirdly, it dealt and treated with it upon a claim of right, as a Church properly organized, and not schismatic. And what did it hesitate about? The General Conference hesitated only on the subject of its power to divide the funds, under the sixth restrictive article, with the Canada Connexion. In other words, they assented in the fullest manner to its being not a schismatic Church, but a separation merely. All that they hesitated about was the effect of that upon the sixth restrictive article in reference to the Book Concern, and whether they would change it. They submitted that to the annual conferences, and these decided against the change. That is to say, they decided that although these persons were still distressed travelling preachers, supernumerary, and worn-out preachers, perfectly good Methodists, yet after the separation they conceived that the sixth restrictive article prevented the Conference from turning over the funds. That was all they doubted. They doubted not that these beneficiaries remained entitled. They did not, they could not doubt that; but they had the doubts which usually belong to persons who deal in literal considerations. That was their doubt. So far as it went, it is a decision against our views. I do not blink the question; nor do I trouble my friends to prove that the Conference considered that the sixth restrictive article prevented them from dividing these funds even with the meritorious ministers in this conference. But I say, moreover, that if they had not terminated that question by a settlement, it would have been subjected to a much better determination as a question of law from the courts of law, than it received as a question of charity by the votes of the General and Annual Conferences. It would have been brought to some legal tribunal, which would have exercised legal skill and legal judgment, and exercised a wider view on the subject of charity than it was possible for gentlemen, limited as these were in knowledge on a subject of this sort, to do. So far as their action went, they acknowledged a separation of the Church as being no schism, and that the Canadian ministry was a perfectly Christian ministry, and that they remained in that Canadian Church without blame and reproach. After the separation, the judgment of three General Conferences

most distinctly recognised as valid and proper this separation, and not as seceding or schismatical.

Moreover, the whole effect of this judgment, as the gentlemen may choose to claim it, is altogether weakened when you look at the manner in which they felt themselves constrained to deal with the subject and with this Church. They, in the first place, and in the most explicit manner, acknowledged this as a matter of right, and were acting in reference to what they conceived to be a very wrong idea of the subject on the part of the annual conferences. When they originally submitted it to the annual conferences, it was probably upon the belief of that General Conference of 1832 that the annual conferences would view this question as they themselves did. They were disappointed when the vote of the annual conferences came in. Being disappointed in this result, what did they do? They gave to the Canada Conference out of this fund, which, if it belonged to any one, belonged to these distressed travelling, supernumerary, and superannuated preachers, their wives, widows, and children, seven per cent. on the gross proceeds of the books with which they furnished them. If the position of our learned friends is correct, they had no right to give it. Now, they had acknowledged the principle of right, they had acknowledged the principle of law, they had themselves confessed that they did not carry it out, they had confessed it was wrong that they did not carry it out, and that they had done that which they were not justified in doing except under the imputation of a breach of charitable trust. They knew that was not right, and they meant nobly and honourably to repair the wrong they had committed. That is the Canada case.

I submit to your Honours that the necessity of the case, in a body constituted as this General Conference was, necessarily involves the power of division. This, be it remembered, is not the power to sanction deviation as to doctrine, it is not the power of sanctioning secession; it is the simple power of separating for the sake of convenience and efficiency into separate bodies with the same doctrines, and to be in every respect the same, except as to the unwieldiness of the general body which is to govern. I call attention to the twenty-third article of religion, upon p. 19 of the Discipline of 1840, and p. 26 of our book No. 1 :—

“XXIII. *Of the Rulers of the United States of America.*—The president, the congress, the general assemblies, the governors, and the councils of State, *as the delegates of the people*, are the rulers of the United States of America, according to the division of power made to them by the constitution of the United States, and by the constitutions of their respective States. And the said States are a sovereign and independent nation, and ought not to be subject to any foreign jurisdiction.”

Then in a note, they add :—

“As far as it respects civil affairs, we believe it the duty of Christians, and especially all Christian ministers, to be subject to the supreme authority of the country where they may reside, and to use all laudable means to enjoin obedience to the powers that be; and, therefore, it is expected that all our preachers and people, who may be under the British or any other government, will behave themselves as peaceable and orderly subjects.”

Now, this article of religion evidently supposes that the Methodist Church may extend itself by having Methodist societies “under the British, or any other government.” That is to be taken as a part of the constitution of Methodism. Now, suppose that, instead of the conquest by this country over the vast West, it had been merely the natural progress of emigration into Spanish or uncivilized countries, and they had declared themselves independent. Then the Methodist societies which had been established, would have been in connexion with the Methodist Episcopal Church. That extension of territory has taken place under the circumstance of the same civil

dominion, instead of its being under different civil dominion. Is it possible to suppose that the legislative body of a Church, looking to such a spread over the world, should have conceived that it should have no power to separate itself into governments for different parts of it, without those governments being actually schismatic and separate?—that whatever difference of circumstance might be, it was not in the power of this general body to form itself into separate bodies, without those separate bodies being essentially schismatical, so that whatever belongs to the preachers of the general bodies shall not belong to the preachers of a separate body, except as a matter which is to be got over by some leaping over the difficulty, as was done in the Canada case? Would they say, that that which was a question of right should not be decided by the general governing body of the Church, but should be decided by an artificial and fettered judgment, which, when I come to consider it, I think I can show to the Court, has not, and cannot have any relation to this subject. I say, when you take into consideration the idea of the Methodists as being a strongly aggressive body, spreading itself over the earth, so as to embrace the lower classes of the people in a degree which no other denomination has ever pretended to do; and when you consider this provision in the very articles of religion looking to its spread beyond the limits of the United States, you cannot for an instant suppose that in that Discipline the general governing body is restricted (without their being any restriction in terms on the subject) from consenting to a separation of the Church into as many general governing bodies as the necessities of the case might require.

As to the consequence of that principle upon the fund, I prefer to suspend any argument until I come to consider it specially. I am now considering, and solely considering, whether this General Conference has not the power to consent to a division without its being schismatic, and without its disqualifying those members and clergy who adhere to the separate body. Not only does the extension of territory contemplated by the Discipline look to this, but the physical difficulties which grow out of that extension require us to contemplate it. How does this operate on the power of the Church, looking to the case of delegates to the conferences from Oregon and from California, making five or six months' voyages, or coming in the costly way in which passengers come from the gold regions. By-and-by the Methodist Church in those countries will embrace large classes of people. They are now under the government of the General Conference here. What is to become of these men when this becomes to be a very populous region on the Pacific coast? Are they to be represented in any General Conference? Are the men from California and Oregon, and all the States which will be created in that region, to meet here? Or are those here to go over the mountains? Is time and space to be so absolutely obliterated, that the Church can go on and govern the whole of this country by one single, general body of delegations. I submit, that although that is no difficulty in the eye of a statesman with the wealth of the general government at his beck, yet to this Church it is an insuperable difficulty. The very extension of territory this distance, and the great population which may be collected in these quarters, prevent the possibility of this Church not separating at some time or other amicably, properly, and faithfully, into separate governing bodies. And when that separation shall become expedient, it seems to me, that it would be strange doctrine to say, that this General Conference, which succeeded to the powers of a conference composed of all the power of the Church, and which in this act was not restricted, for there is no restriction on the power of division,—it would be against the very starting principle of the diffusiveness of this Church to hold, that it could not provide for its own government by separating the meeting of these ministers in a delegated body, in the manner to which I have alluded.

But there is the itinerancy of the bishops, according to the theory on the other side. It is not the theory which we adopt, that the itinerancy of a bishop means that he must actually visit or be capable of visiting every part, not of a diocese, but of all the conferences of all the Methodist Episcopal Church. Who are to be bishops? Are they to be young men of from seventeen to twenty years old, able to endure these fatigues? Or are they to be, for the most part, men of maturity, men of age, of ripened experience, becoming somewhat infirm from their labours? That is the material of which the bishops of this Church have always been composed. Now, let us see whether it would be possible, in relation to this, to carry on this Church without a separation. It seems to be impossible. The argument of our friends on the other side as to the itinerancy of the bishops has very little force, because it is obviously impossible that every bishop could visit every part of the jurisdiction of all the annual conferences. This itinerancy we suppose must be deemed to mean an itinerancy as opposed to a diocesan episcopacy,—that there shall not be a bishop confined to one conference, but that he shall have the duty, and shall take the office, of visiting all the conferences in a certain large Connexion.

Again: differences of climate may well call for a division or separation of the Church. The population of this Northern country, although considerable, is yet very far short of that which upon every principle we may soon expect to find it. So of the Southern country. Therefore, the labours of these bishops will very materially increase with an increase of population, and it may be very difficult to find bishops who would be able to serve in this Northern and Southern Church, under this difference of climate. That very difference of climate may make a very grievous difficulty with this Church to carry on its system without a separation into parts. And is it a fact that this constitution, which contemplates this great activity and diffusiveness, is so limited by implication—because there is no expression to limit it—that it can never adapt itself to such a pressing difficulty, which is already at hand? I suppose, in fact, this difficulty existed before the separation; the Northern and Southern bishops could not very well interchange with each other; and I am told, that one of the bishops has not been South for some ten or fifteen years, and no doubt for the best of reasons.

I propose, now, to allude to another difficulty, which is the very thing that has occurred in this case—a difference in the temper of the people. Here is a part of this great community which tolerates slavery, and a part in which slavery is unknown. How do they treat it? This Church treats slavery as an evil—the same as the existence of crime, of poverty, of disease; and the difference between the two parties is how to treat it. One says, “Extirpate it;” the other says, “We cannot extirpate it, but we shall be extirpated if we attempt it.” This body has said to its private members, “You may entertain your views about this and be in good standing and connexion.” These members are the ones to whom the bishop is to make his visitations, and over whom his supervision of the preachers is eventually to take effect. Now, is it possible to say, that in such a country as ours, where this difficulty has always been more or less great, this Church could prosper if they did not tolerate it? It would be like supposing a man could run when his legs were manacled. I contend that it was a necessary act of preservation, that, in the event that the temper of the people made a co-operation of all the parts inconvenient and impracticable, they had the power of division or separation, in order to reach a large body of the people of this country. Is it to be conceived of, that the constitution of this Church did not allow, but forbade by implication, that there should be an organization adapted to the different temper of the people? Why, if the doctrine which is presented here be correct, that no bishop should be a slaveholder, that he should

have no sympathy with those who held slaves. the Southern country would always be visited by really foreign bishops. Is it not palpable, that such a system could not operate in the Southern country ? Must not these gentlemen have seen that men never would receive religious instruction altogether from strangers, and whose being strangers would be evidence of contempt towards those whom they visited ? I submit, that it would be the last thing to suppose of the wise constructors of this system, that they should have made no provision whereby this Church might adapt itself, by a division, to the great end of carrying the Gospel, without offence, to all the different parts of this extensive country.

I would advert now to another matter—political dissensions, political disruptions. Is this Church so constituted, that it shall be powerless to meet any such exigency ? Look to the case of Canada. That was in the connexion of the Church in this country. There was a war between this country and Great Britain ; and members of this Church were arrayed against each other. Both parties had felt the consequences of war. And was this Church so powerless that it could not lawfully consent to the Methodists in Canada organizing a separate Church, without their being schismatical and separatists ? They have practically solved the question, and solved it according to good sense, and solved it against that restrictive implication which they wish to insert in this Discipline.

Again : the number of delegates which might be sent, might make a necessity for a division. There is an extent to which this evil might be limited, by lessening the ratio of representation. It was originally one for five ; then one for seven ; then one for fourteen ; and finally one for twenty-one. It is perfectly plain, that to carry it very much further would leave no representation at all. If the ratio was one for one hundred, there would be no real representation. It might be a representation from a people to a government, but this was to be a representation of delegates from preachers. It was a delegation from one governing body to a superior governing body. What would be a ratio of one delegate to one thousand preachers ? How could such a delegate feel for his constituents ? How could he express their feelings ? There must be a limit to this ; and when this limit should be reached, the only remedy would be the organization of a separate body under similar principles.

The increase of population in this country, for the next fifty years, would of itself render this body so unwieldy, that, for that reason alone, a separation would be a necessary measure. I say that these considerations, growing out of the history of this body, and out of the necessity of the case, are entirely consistent with the substance of this Discipline.

I turn now to the rules touching the General and annual conferences ; I come to the text of the constitution, so to say, (p. 27 of No. 1.)—

“ Who shall compose the General Conference, and what are the regulations and powers belonging to it ?

“ Ans. 1. The General Conference shall be composed of one member for every twenty-one members of each annual conference, to be appointed either by seniority or choice, at the discretion of such annual conference ; yet so that such representatives shall have travelled at least four full calendar years from the time that they were received on trial by an annual conference, and are in full connexion at the time of holding the Conference.”

Observe the character of this body. These delegates are “ to be appointed either by seniority or choice,” and they are to be taken from the constituent body whom they represent :—

“ 3. At all times when the General Conference is met, it shall take two-thirds of the representatives of all the annual conferences to make a quorum for transacting business. * * * * *

“ 5. The General Conference shall have full powers to make rules and regulations for our Church, under the following limitations and restrictions.”

I submit that we should construe these articles, on the supposition that the powers of the Conference were great enough to have these restrictions carved out of them. These powers would have embraced everything which the restrictions carved out, if these restrictions had not been imposed. The expression on this subject, in logic, I suppose, is, that “the exception proves the rule;” that is, if there is a necessity for the exception, it is a proof that the rule would extend to the excepted case if the exception did not exist. Now, what is the first restriction?

“The General Conference shall not revoke, alter, or change our articles of religion, nor establish any new standards or rules of doctrine contrary to our present existing and established standards of doctrine.”

Does not the putting in of this restriction admit that the power of the Conference would have been extensive enough to change their doctrines, if this restriction had not been inserted? Otherwise, it would be idle to put it in. How extensive then are the powers of this Conference! It could now change the whole character of the body but for this restriction. Then the second restriction is:—

“They shall not allow of more than one representative for every fourteen members of the annual conference, nor allow of a less number than one for every thirty: provided, nevertheless, that when there shall be in any annual conference a fraction of two-thirds the number which shall be fixed for the ratio of representation, such annual conference shall be entitled to an additional delegate for such fraction; and provided also, that no conference shall be denied the privilege of two delegates.”

If it had not been for this second restrictive article, the General Conference might have allowed the rate of representation to vary in any indefinite mode they pleased. They might have bridged the difficulties which are constantly occurring in the history of large bodies. They might, as is sometimes done in England, have swamped the peerage by the creation of new peers. They might, on a temporary occasion, have allowed to the Northern or the Southern conferences a double or triple representation. This restriction was introduced to prevent this being done. Does not this show a kind of omnipotence, so to say, in the power of this body, so far as this Church is concerned? Is it not the power of parliament itself, that can change the time for which it was elected to serve? It can change the subject of representation; it can change and alter the franchise; it can change everything about it. So could this body; and so can this body, except according to this restriction. Then,

“3. They shall not change or alter any part or rule of our government, so as to do away episcopacy, or destroy the plan of our itinerant general superintendency.”

“Destroy” is the word. Without this restriction could they not have altered and done away with episcopacy? Could they not have destroyed the general superintendency? They were in fact the Church; they were the general council of the Church, with the primitive and original power and authority of the Church as a Church. What does the phrase, “so as to do away episcopacy,” mean? Why, that they may vary episcopacy; they may limit it, but shall not “destroy” the plan of our itinerant general superintendency. They may make the itinerancy, instead of being absolutely general, general according to circumstances; they may excuse a bishop from running all over the United States; they may excuse a man disqualified by his peculiar notions, and not disturb the plan of general itinerant superintendency. I know very well the extent to which we go for these gentlemen’s benefit in the case of Bishop Andrew, when we make these remarks. But we cannot read this article without seeing that whatever can be done in consistence with the language and

spirit of the third restrictive article, the General Conference can do. They, therefore, can do anything with the plan of episcopacy, except doing it away. That is their power, without regard to the annual conferences. Then,

“ 4. They shall not revoke or change the general rules of the United Societies.”

These are the rules of Church membership. They are the modes by which men attach themselves to the integral societies of this Methodist Connexion. Then again,

“ 5. They shall not do away the privileges of our ministers or preachers of trial by a committee, and of an appeal; neither shall they do away the privileges of our members of trial before the society, or by a committee, and of an appeal.”

They are not to do away with the mode of trial, but they may regulate everything about it; they may say how the trial shall be conducted. They are not to do away these privileges of the preachers and members. Then, finally,

“ 6. They shall not appropriate the produce of the Book Concern, nor of the Charter Fund, to any purpose other than for the benefit of the travelling, supernumerary, superannuated, and worn-out preachers, their wives, widows, and children.”

They may deal with it in any way, except that they shall not appropriate it to any other purpose; but we are not upon that now. We are now upon the question of consenting to a separation of the Church into parts. Is there any restriction which prevents that? Is there any provision which says that this Church shall not divide itself into parts? But the gentlemen will doubtless say, this constitution contains within itself an article for its own amendment. I beg their pardon. It contains an article for amendment only, in regard to these restrictive rules. If the thing proposed to be amended is not in the restrictive articles, then the vote of the conferences cannot change it, and the vote of one single conference standing out, would defeat any change in the constitution of the Church. There is no power of change as to matters not in the restrictive articles; and the very fact that there is no power of change except as to these restrictive articles, shows that there is no limitation of the authority of the Church except these restrictive articles.

On the subject of this power of the General Conference, I would ask, What restrictive article is conceived to be violated by a Plan of Separation which adopts every restrictive article, and all the terms of the constitution? Which is the article that is violated? Is it changing the articles of religion? If it does, it is restricted; if it does not, it is not restricted. I am at a loss to know what article of religion is changed, by allowing the Southern Church to organize itself as a new Church, with the very same article. Does it change the ratio of representation? Does it, in the sense of the third restriction, do away episcopacy, or destroy the plan of general itinerant superintendency? In other words, does it convert the Methodist bishop into a diocesan bishop in any sense whatever? I know that this may be a matter of degree—a bishop might be limited to one or two conferences. That would be, I admit, a violation of the spirit of the article, and indeed of the article itself; but I ask, if limiting a bishop to thirteen conferences, more conferences than existed at the time this constitution was adopted, with more persons to be governed, was doing away with the episcopacy, or destroying the plan of itinerant general superintendency? Does it revoke or change the general rules of the United Societies? Does it take away the privileges of preachers and members to trial? Does it appropriate the produce of the Book Concern, or of the Chartered Fund, to any other purpose than the benefit of travelling, supernumerary, and superannuated preachers? Does it vary the persons by whom these contributions must reach the beneficiaries? I suppose that, under the Plan of Separation, the part of this Book Concern which

must go to the beneficiaries in the Southern Church is to be applied according to the Discipline of 1840.

Suppose, now, that the Plan of Separation is absolutely void, and that, by reason of the mistake into which we have been led, we are not schismatical, but merely contumacious, and have not come up to the General Conference. The fund is to be distributed. Who are to distribute it? The very annual conferences at the South, as they are now constituted. They are the very original bodies of Methodism. They would take this fund, and they would distribute it to the very same beneficiaries. This is a practical thing; and our learned friends, when they come to speak of the Plan of Separation violating the order of the Church, in allowing it to divide itself into two parts, and to give to each part the vitality of a complete organization, must show practically how it defeated this restrictive system. I submit that it did not.

I come now to the judgment of this body on this very subject. I have said what I need to say on the subject of the judgment of the Canada Conference. The General Conference never left it to the annual conferences to determine whether they had the power of assenting to the Canada Methodists forming a separate body. They never hesitated about that; they never doubted that that formed a true Methodist Episcopal Church, not separatist nor schismatic. That was the Conference of 1832; it was followed up by the action of the Conference of 1836. That of 1840 had no connexion with this subject. The judgment of the Conference of 1844 was in favour of this view of the power of division. I shall examine the Plan of Separation more particularly hereafter; but I would now remark that it was never submitted to the annual conferences to say whether there should be a separate organization or not. The question submitted was a very different one, whether they should alter the sixth restrictive article, so as to put this fund at the command of two-thirds of the General Conference; so that, instead of having the profits of this Book Concern applied to the relief of beneficiaries, they might, if that proposition had passed, have voted it to the establishment of a colony in Liberia, or to any other purpose than this. They did not submit to the annual conferences the question whether they should separate the Church into two parts, so that each should be a genuine, a true Church; and I may be permitted to say, in relation to that Conference, that it was composed of exceedingly able men, as the documents show.

One other remark on this subject, and I leave this particular question—this power to divide itself into two bodies,—that is, the opinion of the bishops, p. 101, book No. 2. I think our reference to this, in our bill of complaint, has not been understood by the other side. I do not believe that the bishops have power to alter the constitution of this Church, nor give any declaratory opinions which can bind the Church. We do not present it in that way, no more than we would present the judgment from Lord Lyndhurst to bind this Court; but what we do present it for, is, to show that in the judgment of the coolest, best, and the wisest men in that Church, there was no hesitation as to the existence of this power, and that it was properly and well exercised in 1844. It is, as I might say, the opinion of highly-respectable persons conversant with that which we are now discussing. I will read it.

“This council met in the city of New-York, July 2, 1845, and was attended by Bishops Hedding, Waugh, Morris, and Janes. Bishop Hamline sent his opinion in writing on the points to be acted on by the council; Bishop Soule did not attend; and Bishop Andrew, being suspended, was not invited. Besides agreeing on a new plan of visitation, the bishops adopted the following resolutions, intended for the government of their own administration:—

“1. Resolved, That the Plan reported by the select committee of nine at the last General Conference, and adopted by that body, in regard to a distinct ecclesiastical connexion, should such a course be found necessary by the annual conferences in

the slaveholding States, is regarded by us as of binding obligation in the premises, so far as our administration is concerned.”

That is to say, we regard it as binding on us, and shall obey it; the Conference of 1848 said they considered it null and void, and that the Conference of 1844 had no power to pass it.

“2. Resolved, That in order to ascertain fairly the desire and purpose of those societies bordering on the line of division, in regard to their adherence to the Church, North or South, due notice should be given of the time, place, and object of the meeting for the above purpose, at which a chairman and secretary should be appointed, and the sense of all the members present should be ascertained, and the same be forwarded to the bishop who may preside at the ensuing annual conferences; or forward to said presiding bishop a written request to be recognised, and have a preacher sent them, with the names of the majority appended thereto.”

They not only declare it is binding so far as their administration is concerned, but they institute a mode to carry out successfully that which their successors call a separatist and schismatic body. I do not propose this as binding your judgments; perhaps the judgment of these bishops is of the least value in this matter. But so far as this religious body is concerned, I must submit, and certainly out of respect to the character of these bishops, that when they adopted these resolutions, and signed this paper, and undertook to carry out this plan of organization of the Southern Church, by having a vote taken as to which Church the societies should adhere, their judgment was in favour of the validity of the separation; that it was competent for the General Conference, for grave reasons, to separate itself into two bodies, each of which should be a true, genuine, and authentic hierarchy in this Church, and calculated to carry out its excellent purpose. This minute was passed July 2, 1845; the Southern Church had organized and issued its manifesto May 17. It was therefore a declaration in the very sight of the difficulties. Let us look a little at these acts.

The Conference of 1844, without any hesitation, passed a plan for an amicable division. Here is nothing said against it; they felt themselves at liberty to vote to organize a new Church. The bishops take the act up when the Church was organized, and when it was still in the power of individuals to withdraw, and say, “We act in obedience to this administration; we, the Northern bishops, acting together, some of us being present, and another giving his opinion in writing, tell you, Go on, form that Southern body; choose your adherence,”—and they do it. What then? Says the Conference of 1848, “By that act you become separatists, and all this great fund, the produce of common labour, toil, economy, activity, and suffering, you, by adopting this plan, and acting as your bishops have acted, in conformity and obedience to it, have forfeited for yourselves, for your wives, for your children, for the orphans of your brethren; and as a matter of conscience we cannot let you touch a dollar of it; but our beneficiaries shall have three parts where before they had but two.” That is the way in which this controversy presents itself, I am sure unwittingly and unexpectedly to those who brought themselves to make it. But there it is; we have become schismatics. We have forfeited not for ourselves, we who are the belligerents; we, who engage in the revolution, may afford to be niggard if we do not succeed; these are the terms on which we enter. But after this act, into which we enter by their invitation, sanctioned by a General Conference composed of men of greater ability, perhaps, than ever met in the same Church, and sanctioned by their bishops who co-operated with us in the formation of this Church, we are told, in 1848, “when you did that, you put yourselves out of the pale of this Church; you forfeited, not your right to take alms, but your retiring pensions, your savings'-bank deposits, your life insurances; your wives, your

widows, and your children, all suffer in this common calamity." It is the visitation of the sin of Adam in a very different way upon all this connexion of this Church, for doing an act which everybody, in 1845 and 1846, thought lawful. That is the way in which the controversy now stands; and I propose now to take up the subject of whether there was any doubt on the effect of that Plan of Separation. I have finished what I have to say on the power of the Conferences.

Upon this point I say that the General Conference of 1844 did, in fact and on a proper ground, consent to such division, to take effect immediately, in the choice of the Southern conferences, and without any condition. This Plan is found on p. 128 of our book. I will first read it, and make some remarks upon its text; and then consider the circumstances under which it was passed, to see whether it was considered transitory, or whether it was adopted as a final thing which everybody supposed would be acted upon and become permanent.

"The select committee of nine, to consider and report on the Declaration of the delegates from the conferences of the slaveholding States, beg leave to submit the following report:—"

It has been made a question, whether this Plan of Separation was adopted upon the existence of the difficulties to which we have been led in the reading of the Proofs. Our friends on the other side say it did not.

"Whereas a Declaration has been presented to this General Conference, with the signatures of fifty-one delegates of the body, from thirteen annual conferences in the slaveholding States, representing that, for various reasons enumerated, the objects and purposes of the Christian ministry and Church organization cannot be successfully accomplished by them under the jurisdiction of this General Conference as now constituted."

That is the declaration of an existing fact in the opinion of those delegates.

"And whereas, in the event of a separation, a contingency to which the Declaration asks attention as not improbable, we esteem it the duty of this General Conference to meet the emergency with Christian kindness and the strictest equity."

This bears on what I have said as to its being an amicable separation. They thought it their duty to meet it with Christian kindness and the strictest equity; to which I would introduce as a note what they declared when the Canada Conference spoke on the subject of the Book Concern, that it was just in regard to their former relations and their liberality that they should have their share.

"Therefore, Resolved, by the delegates of the several annual conferences in General Conference assembled,

"1. That, should the annual conferences in the slaveholding States find it necessary to unite in a distinct ecclesiastical connexion, the following rule shall be observed with regard to the Northern boundary of such connexion."

Permit me to call your attention to an alteration here; it stood as originally presented by the committee, "That should *the delegates* from the conferences in the slaveholding States find it necessary;" thus leaving it to the delegates then present. These delegates shrunk from that responsibility, and on motion of Mr. Paine, the words "delegates from the," were stricken out. But it was intended as a Plan to be made and acted upon as much, whether it was the delegates who decided for it, or the conferences from which they came. The object of those delegates was to change the responsibility of the mode of action from themselves to the conferences which they represented.

"All the societies, stations, and conferences, adhering to the Church in the South, by a vote of a majority of the members of said societies, stations, and conferences,

shall remain under the unmolested pastoral care of the Southern Church, and the ministers of the Methodist Episcopal Church shall in no wise attempt to organize Churches or societies within the limits of the Church, South, nor shall they attempt to exercise any pastoral oversight therein; it being understood that the ministry of the South reciprocally observe the same rule in relation to stations, societies, and conferences adhering, by a vote of a majority, to the Methodist Episcopal Church; provided, also, that this rule shall apply only to societies, stations, and conferences bordering on the line of division, and not to interior charges, which shall in all cases be left to the care of that Church within whose territory they are situated "

Here is a provision as to how the boundary shall be ascertained. It does not define it exactly, but says: "Here are Southern delegates; we are satisfied where the boundary shall be, but there will be bordering societies which may be divided, and to provide for that, we adopt this article;" and this article the bishops, in 1845, attempted to carry out. I think it shows very clearly that it was to be an immediate division.

"2. That ministers, local and travelling, of every grade and office in the Methodist Episcopal Church may, as they prefer, remain in that Church, or, without blame, attach themselves to the Church, South."

Could that consist with the idea of a separating and schismatic Church? If my learned friends take up the doctrines of their answer and the Conference of 1848, and make this Church schismatic, they have to give some beautiful reason for the introduction of this provision. They could not, certainly, but be blamed for uniting with a schismatic Church. They would have committed an absurdity in sanctioning a schism which they had no right to sanction in any way. It meant to say to all the parties attached to the Church, South, that there should be no blame about it—that they should be just as good Methodist ministers as before. That is what we mean by an amicable separation, and treating with the "strictest equity."

"3. *Resolved*, by the delegates of all the annual conferences in General Conference assembled, That we recommend to all the annual conferences, at their first approaching sessions, to authorize a change of the sixth restrictive article, so that the first clause shall read thus: 'They shall not appropriate the produce of the Book Concern, nor of the Chartered Fund, to any other purpose other than for the benefit of the travelling, supernumerary, superannuated, and worn-out preachers, their wives, widows, and children, and to such other purposes as may be determined upon by the votes of two-thirds of the members of the General Conference' "

That was a recommendation in no respect conditional to the two previous. It involves something so very different from what was called for by the idea of separation, that it is evident that its being found here was simply because an occasion was thus presented of having a question of this kind made and disposed of. The effect of it was, that while it preserved the same right in these original beneficiaries, it would allow the General Conference to apply that fund to any other purpose that two-thirds of the Conference should choose. That goes widely beyond anything connected with the separation of the Church into two parts. There had been difficulties in the Canada case, a compromise had then been made, and the body had been put in a very awkward position as the administrators of the charity. They wished to avoid that here. But they did not make this as a condition upon which the Church should be separated; if it had been adopted, it would have had an effect beyond this separation.

"4. That whenever the annual conferences, by a vote of three-fourths of all their members voting on the third resolution, shall have concurred in the recommendation to alter the sixth restrictive article, the agents at New-York and Cincinnati shall, and they are hereby authorized and directed to deliver over to any authorized agent

or appointee of the Church, South, should one be organized, all notes and book accounts against the ministers, Church members, or citizens within its boundaries, with authority to collect the same for the sole use of the Southern Church, and that said agents also convey to the aforesaid agent or appointee of the South, all the real estate, and assign to him all the property, including presses, stock, and all right and interest connected with the printing establishments at Charleston, Richmond, and Nashville, which now belong to the Methodist Episcopal Church."

It was in ease of the agents that this was done. If this should be done, then it was a case in which the agents needed no legal protection. They were trustees; it might be that the trustees could be changed, and the fund dealt with upon intrinsic right by representatives of beneficiaries in the Southern conferences without this, but it would undoubtedly be a case calling for judicial construction. The object was to make it easy to the agents. They did not pretend to say anything about the matter of right. That was already adjudged.

"5. That when the annual conferences shall have approved the aforesaid change in the sixth restrictive article, there shall be transferred to the above agent of the Southern Church so much of the capital and produce of the Methodist Book Concern as will, with the notes, book accounts, presses, &c., mentioned in the last resolution, bear the same proportion to the whole property of said Concern that the travelling preachers in the Southern Church shall bear to all the travelling ministers of the Methodist Episcopal Church; the division to be made on the basis of the number of travelling preachers in the forthcoming minutes."

As I remarked, that was done in ease of the agents. The only thing to which a condition was applied was the turning over by the agents. It was not left to three-fourths of the conferences to determine whether the new Church should be formed. That was upon the Plan, showing that it would be absurd to base it upon this restrictive article. In the minutes of 1848, it is set up that the whole of this Plan was conditional upon the passing of that restrictive article. I submit upon that subject, here and finally, that by the first resolution the decision of the separation was left to the slaveholding conferences, whereas the restrictive article was to be acted upon by three-fourths of all the conferences; and I submit that it is an end to the question of what the Plan of Separation meant. It may be avoided; but as to saying that a Plan of Separation, which was to depend upon the election of the Southern conferences, was to be avoided or not, according to the election of three-fourths of all the conferences, I submit is a plain, palpable contradiction and absurdity.

Now upon the mode of operation of this Plan. It was for a division of the funds. The produce of this fund was always divided according to the numbers returned in the minutes of the annual conferences every year to the book-steward, the principal of the Book Concern. The number of preachers would change exceedingly every year, and if we can ascertain *when* the proportion was to be taken by which this division was to take place, we ascertain the *time when* the division was to take place. This gives the most positive determination of time. It adds: "the division (of the capital) is to be made on the basis of the number of travelling preachers in the forthcoming minutes,"—minutes that were then prepared. If the Plan of Division had not taken place then, immediately, it never could have taken place under this Plan, except with great inconvenience. I suppose, therefore, in reading this paper there can be no doubt that it contemplated an immediate division.

"6. That the above transfer shall be in the form of annual payments of \$25,000 per annum, and specifically in stock of the Book Concern, and in Southern notes and accounts due the establishment, and accruing after the first transfer mentioned above; and until the payments are made, the Southern Church shall share in all the

net profits of the Book Concern, in the proportion that the amount due them, or in arrears, bears to all the property of the Concern."

I submit that there is a precision about that which looks to something already provided. They had no doubt of the judgment of the Southern conferences; they had no doubt that that judgment would be passed. One cannot read those reports of 1844, without seeing the most settled principles in hostility, which show that no change was to be expected until men shall change their most settled, permanent convictions. They had no doubt that the separation was to take place.

What next do they do? Taking that doubt of the continuance of life which fills every preacher's discourses—that uncertainty of life-estates which visits every lawyer when dealing with life, what do they do?

"7. That Nathan Bangs, George Peck, and James B. Finley be, and they are hereby appointed commissioners to act in concert with the same number of commissioners appointed by the Southern organization, (should one be formed,) to estimate the amount which will fall due to the South by the preceding rule, and to have full powers to carry into effect the whole arrangement proposed with regard to the division of property, should the separation take place. And if by any means a vacancy occurs in this board of commissioners, the book committee at New-York shall fill said vacancy."

Were these the gentlemen who were to live until the experiment was tried of Virginia, Georgia, and South Carolina submitting to have bishops chosen who might live not in that State, and who should be acceptable to the Northern people? Was it that these commissioners were to remain a sort of immortals until this thing could be tested? Is it meant that they named these gentlemen, men of age, not looking to very great endurance of life, but looking rather to its uncertainty, and did not expect the Plan to be acted upon without delay? They were to estimate the amount which fell due to the South, and have full powers to carry into effect the whole arrangement. They were not to wait for another General Conference to supply a vacancy, but to have men on the ground for it.

"8. That whenever any agents of the Southern Church are clothed with legal authority or corporate power to act in the premises, the agents at New-York are hereby authorized and directed to act in conference with said Southern agents, so as to give the provisions of these resolutions a legally-binding force."

"A legally-binding force," without the action of three-fourths of all the annual conferences. As soon as the Southern Conference organized and appointed commissioners with legal authority, that is, according to the law of the Church, to act upon the matter, they were to act, and their acting was to be legally binding.

"9. That all the property of the Methodist Episcopal Church in meeting-houses, parsonages, colleges, schools, conference funds, cemeteries, and of everything within the limits of the Southern organization, shall be forever free from any claim set up on the part of the Methodist Episcopal Church, so far as this resolution can be of force in the premises."

Granting the most suspensive fact of that resolution, as to the doubt of the power to convey property, yet no one can doubt it was intended to operate immediately as a present relinquishment and abandonment to this Southern Church of all that belonged to it. This brings me to the notice of another question—and it is a vast question involved indirectly in this case—that if we are a schismatic Church, every meeting-house can legally be taken away from us by any one from the Northern Conference. If it recognises the Southern Church as a true Methodist Church, then

this resolution was of no force, except merely to show that this possession of that property by the Southern Church was with the entire assent of the Northern brethren; and with that sort of assent they say, We have no title to it, and therefore this resolution does not give us a title.

“10. That the Church so formed if the South shall have a common right to use all the copyrights in possession of the Book Concerns at New-York and Cincinnati at the time of the settlement by the commissioners.

“11. That the book agents at New-York be directed to make such compensation to the conferences South, for their dividend from the Chartered Fund, as the commissioners above provided for shall agree upon.”

That Chartered Fund was located in Philadelphia, and held under charter there. It could not be specifically turned over.

“12. That the bishops be respectfully requested to lay that part of this report requiring the action of the annual conferences before them as soon as possible, beginning with the New-York Conference.”

It has been asserted in the Answer, and minutes, and journals of 1848, and in the report on the state of the Church, that all this document was conditional upon being acted upon by three-fourths of the conferences. What does the Plan ask the bishops to submit to the conferences? The whole of it? No; but that part requiring the action of the annual conferences. What part? The third resolution. So that the idea that the Plan is conditional all through, is contradicted by this last article, whereby nothing is to be submitted to the annual conferences by the bishops, but that part which relates to the alteration of the sixth restrictive rule. The third resolution is all which the bishops ever did submit to the conferences.

Having drawn your attention to the terms of the Plan, I propose to go into the circumstances under which it was adopted, to show that it was, and must be, permanent in its nature.

The Court then adjourned.

FOURTH DAY—THURSDAY, MAY 22, 1851.

MR. LORD,—If your Honours please—I yesterday had reached that part of the discussion of this case which led me to the language of the Plan of Separation. I had read that Plan, and made some comments upon its language, to show that it was a clear assent of the Methodist Episcopal Church of 1844 to this separation; that it was not conditional upon the assent of three-fourths of all the conferences to the change in the sixth restrictive article. My object at present is to consider that Plan of Separation under the circumstances in which it was adopted, so that we may take them into view as determining the exigency to which the Plan applied, and to see from that whether the idea of its being a contingent thing is properly admissible; and also to see whether some other allegations of the Answer, which allege that the separation which took place was not in pursuance or in consequence of pre-existing difficulties, but was a sort of fraudulent abuse of the authority conferred upon the Southern conferences by that Plan of 1844, are in any degree founded upon the evidence or upon truth. The parts of the Answer which draw these matters into consideration, will be found in the references which I shall give. At the 10th folio of the Answer they deny

“That it was thereupon,” (that is, upon the idea of the separation being necessary,) “as erroneously alleged by the plaintiffs, that the resolutions which they denominate the ‘Plan of Separation,’ and which are set forth in their bill, were passed

at the General Conference of 1844, held in the city of New-York ; and these defendants say, that then, and always hitherto, the greater portion of the Church have not thought there was any sufficient cause for a separation or division of the Church."

Then again, upon folios 16 and 18 of the Answer, the defendants say :—

"That the adoption of this resolution" (that is, what I call the sentence of degradation of Bishop Andrew) "gave offence to a minority of the members of that General Conference, and who were delegates from annual conferences in the slaveholding States, and principally, if not wholly, induced those delegates to present a formal Protest against such action of the General Conference, which was admitted to record on its journal."

They seem to make a distinction in the Answer between the serious difficulties on the subject of slavery, and the particular and single action of that Conference in the case of Bishop Andrew.

"And which resolution, in the case of Bishop Andrew, further induced such delegates, (although without the authority of the General Conference, and in no manner sanctioned by any action of that body,) immediately after the adjournment of such General Conference of 1844,—before the happening of the contingencies mentioned in the so-called 'Plan of Separation,' necessary to give the same effect, and before such delegates had departed from the city of New-York,—to address a circular to their constituents and the ministers and members of the Church in the slaveholding States, therein expressing their own opinion in favour of a separation from the jurisdiction of the General Conference, and advising the annual conferences within those States to elect from their own bodies, severally, delegates to a convention, proposed by them to be held at Louisville, Kentucky, in May following, to consider and determine the matter ; all which finally led those annual conferences, or portions of them, at that convention, to withdraw and separate from the Methodist Episcopal Church ; to renounce and declare themselves wholly absolved from its jurisdiction, government, and authority ; and to institute a new and distinct ecclesiastical organization, separate from, and independent of, the General Conference of the Methodist Episcopal Church, under the denomination of 'The Methodist Episcopal Church, South,'—which is the same organization mentioned in said bill of complaint ; and the plaintiffs, and all those whom they professedly represent, are adherents thereof, and are no longer attached to the Methodist Episcopal Church ; and these defendants believe and submit, that these proceedings were, in no part, authorized by the rules of government, or the constitutional law of the Methodist Episcopal Church, as contained in its Book of Discipline, but were in palpable hostility thereto."

Then it follows with a declaration, (folios 21 and 22,) that the resolution

"In the case of Bishop Andrew, instead of moving to a secession, called for due submission and respect from all the delegates of that Conference, and all the ministers and members of the Church ; and the defendants upon their belief, say, that the same, and all the proceedings of that body leading thereto, were regular, constitutional, and valid ; that the voluntary connexion of Bishop Andrew with slavery was justly considered by a majority of said General Conference, and by most of the ministers and members of the Church, as 'improper conduct ;' and that every bishop is, by a law of the Book of Discipline, amenable to the General Conference, who are thereby declared to 'have power to expel him for improper conduct, if they see it necessary ;' and that such resolution and proceedings, in the case of Bishop Andrew, were in due accordance with the good government of the Church."

Then, upon folio 23, they say, after referring to the Plan of Separation, that it was passed

"By a majority of over three-fourths of the entire body, although, as these defendants state, such resolutions were, in respect of their operation or effect, provisional and contingent, were occasioned by, and based upon, the said Declaration of the Southern delegates, and were intended only to meet the future emergency predicted therein, should the same arise ; and that such resolutions were connected with, and preceded by, the statement and preamble embodied in the report of the said committee of

nine, appointed by the General Conference to consider and report on such Declaration—which report was adopted by the Conference, as will appear by its printed journal (pp. 130, 137)—and which statement and preamble are to be taken, in connexion with said resolutions, as a part of said report thus adopted, and to which the defendants crave leave to refer as a part of this answer. But these defendants are advised by counsel, that the said resolutions, embodied in such report of the committee of nine, called the ‘Plan of Separation,’ were not duly or legally passed, and that the General Conference of 1844 had no competent, nor any valid power or authority to pass or adopt the said resolutions, called the ‘Plan of Separation,’ or any or either of them, except that portion thereof comprising the recommendation to the annual conferences to change the sixth restrictive rule; and these defendants are also advised by counsel, that the last-named resolutions, when adopted, were null and void, and without any binding force or validity, except in the matter of such recommendation merely.”

Then they go on and give a history of the Church. Again, upon folio 34 :—

“And these defendants, further answering, submit, as further advised by counsel, that even had the so-called ‘Plan of Separation’ been constitutional or valid, it merely provided a prospective plan, which, without the happening of certain future conditions, or, on the failure of which conditions, or either of them, could never have, by its express terms, and, as defendants say, was never intended to have, any force or validity. And these defendants expressly aver, that these conditions have not happened; and they, therefore, further insist and submit, that the said so-called ‘Plan of Separation,’ has always been inoperative; has never had any force or validity; and is absolutely null and void.”

Then, upon folio 42, after stating that we had made this organization at the South, under this very nugatory, unconstitutional, conditional plan, they say,—

“Wherefore, these defendants insist and submit, that the ‘Methodist Episcopal Church, South,’ exists as a separate ecclesiastical communion, solely by the result, and in virtue of the acts and doings of the individual bishops, ministers, and members attached to such Church, South, proceeding in the premises upon their own responsibility; and that such bishops, ministers, and members, have voluntarily withdrawn themselves from the Methodist Episcopal Church, and have renounced all their rights and privileges in her communion and under her government.”

They then set up what they consider violations of the Plan, in some interference by preachers from the South, with societies lying north of the border; their idea being that this Plan was in all its parts absolutely conditional, so that if any single grain failed to be delivered rightly, according to the condition, it forfeited the whole. And then, as a climax to the force of this argument, they declare, in the Answer, that the General Conference, which met in May, 1848, consisting solely of members of the Northern annual conferences, declared, that this Conference of 1844 had no power to grant the division; that is to say, these twenty Northern conferences, in the absence of the thirteen, fourteen, or fifteen Southern, passed a solemn resolution, that the act of the Conference of 1844 was nugatory, was null and void, with no effect; and in consequence of all this, we are seceders. I read now from folio 58 :—

“They have voluntarily withdrawn from the Methodist Episcopal Church, and separated themselves from its principles and government; and have thereby renounced and forfeited all right and claim, at law or in equity, to any portion of the funds and property in this cause.”

Your Honours might have supposed, in using the word “forfeiture” so often as I did yesterday, that I was rather stigmatizing the argument on the other side, and presenting it in a light they did not adopt. Now you see they put it upon the distinct ground of forfeiture, by which we understand a penal infliction in its character,

though it be a stipulation ; for the very idea of forfeiture, as distinguished from specific execution or compensation in damages for the want of it, is, that you impose something of much higher consequence than a mere result of a breach of condition which insures the performance of it, and which also supposes you have some existing right in that which you forfeit. They, therefore, go, in that case distinctly, on the ground that by our acting under this Plan of Separation, we, having previously a right, did by some matter not co-equal, not co-extensive with the character of the damage or injury to them, draw upon us the serious consequences of forfeiting a right—such a right as I had the honour to discuss before you yesterday.

Now I am not only to consider the language,—supposing that there may be anything in that which would admit either of its being unconditional or conditional,—but I propose now to look at the exigency of the case, the existing state of things at the time these resolutions were passed, to see whether it was a contingent, a future, an unlikely thing, and one regarded merely as possible ; or whether, in fact, it was really and truly certain, that is, so certain as to scarcely leave the expectation of anything contrary, so that the not happening would be the matter which would surprise us ; and to see, also, whether, under these circumstances, this was a matter done hastily, or in any manner as an abuse of the authority granted to organize as a separate Church.

The first question was this subject of slavery, which I certainly do not mean to discuss here in any extensive way, my object being to show, that upon this subject, whichever party in this Church may be right upon its discipline or doctrine, there was such a disagreement as to the discipline, as to the manner in which the Church was to deal with it, that without imputing blame to the one or the other party, it had then become so ripe that the body could not act together—a body acting not merely as a body to resist external violence on it, and held together by a sense of self-preservation in the nature of political union or league, but as a body whose object was to act by voluntary co-operation upon the minds of people who were to receive truth from peace-speaking men. I propose to show whether that state of things did not come to pass, in which, by reason of what had existed prior to 1844, and which was then simply developed,—whether that state of irreconcilable disagreement, not hostility in the breaking of friendly relations of gentlemen, but a hostility as to principles, and the mode of carrying out what may be considered the policy of this Church,—did not exist which made it suicidal to go in this state to attempt the achieving of anything upon ignorance, vice, or irreligion in any part of the world.

On this subject of slavery, the position of this Church was ever conflicting. It began upon the first organization of the Church. Mr. Wesley wrote his letter in 1784, and it was received at the Christmas conference in that year. Then, under the influence of Dr. Coke, a gentleman of education from Oxford, the widest principle of emancipation was adopted, taking it from the rule of discipline of the United Societies, that no one should be engaged in buying or selling men for the purpose of enslaving them. He attempted to bring in that speculative truth, which was clear in his own mind, and to make it practical in a country with which it was perfectly evident he had but a slight acquaintance, and in regard to which it very soon appeared that his ministrations could not be successful. He enacted rules exceedingly strong and exclusive on the subject of slavery, but even in them there came in, of necessity, a proviso, which definitely fixed the policy of this Church upon this subject. Those rules are prefaced by an acknowledgment that it was introducing a new term of communion into the Church, showing how great the power of this Conference was. It says :—

“ We are deeply conscious of the impropriety of making new terms of communion

for a religious society already established, excepting on the most pressing occasion ; and such we esteem the practice of holding our fellow-creatures in slavery. We view it as contrary to the golden law of God, on which hang all the law and the prophets," &c.

They provide that every member of the society who has slaves in his possession, shall execute and record an instrument of manumission.

The third of these rules is :—

"In consideration that these rules form a new term of communion, every person concerned, who will not comply with them, shall have liberty quietly to withdraw himself from our society within the twelve months succeeding the notice given as aforesaid ; otherwise the assistant shall exclude him in the society."

The fifth rule is :—

"No person holding slaves shall in future be admitted into society, or to the Lord's supper, till he previously complies with these rules concerning slavery."

And in what follows, the whole system showed itself to be lame and imperfect, and that it never could be carried out :—

"N. B. These rules are to affect the members of our society no farther than as they are consistent with the laws of the States in which they reside."

This clause never could have been introduced by the man who introduced the rest of the resolutions. It was yielding to the necessity of the government, and the condition of the people in which this society was expected to have, and where it has had great operation. You will see that this society in all its dealings on this subject, in the midst of its fluctuations as to rules, has always maintained the same principle. We hold slavery to be a great evil ; and I am free to say, that that declaration is held as well by gentlemen of the South, as by those of the North ; but the difficulty was how to deal with it. Some of the gentlemen said then, and say now, and have always said, this is a thing which, in the nature of the government under which we live, and the character of the institution, you cannot destroy by extirpation, that is, by any immediate measures directly addressed to it ; you must destroy it by enlightening both master and slave, inducing the master to love the liberty of the slave, and the slave to be fit for the enjoyment of liberty. The others took the ground that this is a distinct moral offence, like any other crime—like stealing—and shall not be tolerated at all.

Here, at the outset, in the strongest declaration on the subject ever contained in a Methodist Discipline, you have a deference to the law of the country incorporated. Even with this qualification it was modified and abandoned next year. This system was found so utterly Utopian, so much like the constitution of Mr. Locke for South Carolina, that I venture to say it was never practised upon ; and it was one other example of the folly of a speculative man in one country, undertaking to regulate the practical operations of civil and domestic, as well as of political life, in another country with which he had but a very slight acquaintance. I do not mean to go through with any detail on this subject ; suffice it to say, that in 1785, experience—and behold how short an experience it was—less than one year !—convinced this society that those rules, even with the modification made by somebody who understood the subject better than Dr. Coke, were utterly impracticable ; it would have been the end of Methodism in that part of the country to which it had the greatest reference. In 1796, the matter was referred to the yearly conference. In 1800 a more distinct reference to the subject of the local law was made. In 1804, the rules were still fur-

ther modified, and the very striking provision introduced, that the preachers were to instruct the masters to allow their slaves instruction, and teach the slaves obedience to their masters. By the Conference of 1808, the subject was left to the management of the annual conferences, and that seems also to have been the state of it under the Conference of 1812. In 1816 we have the following introduced :—

“No slaveholder shall be eligible to any official station in our Church hereafter, where the laws of the State in which he lives will admit of emancipation and permit the liberated slave to enjoy freedom.”

There you see a distinct provision for the case of any official station, not excepting a bishop, preacher, or elder ; no one possessing slaves should hold office where the laws permitted emancipation ; and the qualification is as extensive as the rule. This was the only objection on the subject. If you are a slaveholder you shall not be admitted to any official station, if the law allows of emancipation. If the law does not sanction it, the article does not apply ; in other words, it directly sanctions it. In 1824 the following was added :—

“All our preachers shall prudently enforce upon our members the necessity of teaching their slaves to read the word of God ; and to allow them time to attend upon the public worship of God on our regular days of Divine service.”

In 1840, you will see that the agitation had become extreme. So far from slavery not being the subject of agitation, it was a subject of the most serious agitation, as you will see by the minutes ; and upon this subject, the Reply to the Protest, which the gentlemen on the other side put in, gives us something instructive. If I wished to show the irreconcilable state of opinion in this Church upon this subject—I do not mean hostility between party and party, but the irreconcilable state of opinion—which would prevent this Church from acting in a body, I would call for this Answer to the Protest as the most decisive proof on the subject.—P 113 of the first of the Proofs.

“It is known and acknowledged by all Southern brethren, that Bishop Andrew was nominated by the delegates from the South Carolina and Georgia Conferences, as a Southern candidate for whom Northern men might vote, without doing violence to their principles, as he was no slaveholder.”

Here you have a most distinct avowal that it was a violence to their principles to elect as a bishop a man with those principles which the Church most distinctly in its Discipline tolerated. Let us see whether in the history of that principle it showed any diminution of growth. The “Reply” continues :—

“Bishop Andrew himself perfectly understood the ground of his election, and often said he was indebted to his poverty for his promotion. Since the year 1832, the anti-slavery sentiment in the Church, as well as in the whole civilized world, has constantly and rapidly gained ground ; and within the last year or two it has been roused to a special and most earnest opposition to the introduction of a slaveholder into the episcopal office.”

What do the gentlemen mean when they say there was no difficulty on this subject prior to 1844 ? What was it in 1832 ? “The anti-slavery sentiment in the Church,” that is, in their Church, “and in the whole civilized world has been constantly and rapidly gaining ground, and within the last year or two,” that is prior to 1844, “it has been roused to a special and most earnest opposition.” “Roused ;” that is to say, men have gone about taunting and stimulating each other upon the subject, and, as a matter of conscience, to rouse this feeling, and they tell us that their principles were settled against this institution, which had been provided for in their constitution,

so that the anti-slavery sentiment became roused and more decided. And pray, let me know when it has become more quiet or more peaceable since 1832, or more likely to be assimilated by living in close juxtaposition with the opposite sentiment. Yet they tell us that in 1844 there was no real difficulty, and that it was all made by these gentlemen declaring that there was a difficulty, thus stimulating their constituents to make it one. This, they say, was the case in 1844. We see what it was in 1832 :—

“The subject was discussed everywhere, and the dreaded event (that is, Bishop Andrew being a slaveholder in any form) universally deprecated as the most fearful calamity that ever threatened the Church.”

What a state of feeling was this in which the two bodies of this Church were to go on together !—two bodies whose particular notions had been provided for in the Book of Discipline,—in the North, where emancipation was practicable, the rule was absolute that it should be performed ; in the South, where it was not practicable, the rule was that it need not be complied with. Here you find parties writing a Reply to a Protest in 1844, which was to be the manifesto of the majority of that Conference, and they tell us that they deprecated this thing as the most fearful calamity which ever threatened a Church, and yet they tell us in the Answer that they consider all the difficulty arose from the Declaration of these delegates, and they went and stimulated the opposition out of which grew the organization of this Church, and it was not owing to any preceding difficulties.

Now turn to the proceedings of the Conference of 1840, on page 56 of the first of the Proofs. “May 2d;” these Conferences all began the first of May. They had hardly got seated, before

“MAY 2.—O. Scott, of the New-England Conference, presented a petition from persons residing in New-York, on the subject of slavery. On the presenting of this petition, J. Early moved the appointment of a standing committee on slavery, to whom all papers, petitions, and memorials upon that subject shall be referred. Adopted. Ordered that the committee consist of twenty-eight members, one from each annual conference, and appointed by the respective delegations.”

Look at that, and see if this Church did not then find that that was a vast and terrible difficulty for them to deal with, and that they needed to deal with it not by a committee of a few prudent, discreet men, but by a committee which should embrace one member from every one of the conferences of their Church. Then, again :—

“MAY 8.—E. Dorsey presented the memorial of the stewards and others of Westmoreland circuit, Baltimore Conference, complaining of the action of the Baltimore Annual Conference, in refusing to elect to ordination local preachers, on the single ground of their being slaveholders.”

Surely, that was not a fancy ; that was a substantial difficulty. Here, in Westmoreland county, in Virginia, local preachers were refused to be ordained on the ground that they were connected with slavery, when the very provision of the Discipline on that subject left every one free to be elected to any official station in the Church, in the Southern country, if emancipation was impracticable, although he was a slaveholder. To whom were these preachers to address themselves ? To vast audiences of slaves and masters—and were they to be addressed by a foreign ministry ; a ministry who held the very institution in the midst of which they were walking, as a thing so offensive that it would defile a man and unfit him for the sacred garb ? That is the state of the thing here indicated ; and if that was the state of the thing in a conference so far South as Baltimore, calling itself, I believe, “The

Breakwater Conference," what was to be supposed to be the general state of things in that Church? The minutes continue :—

"The memorial was read, and ineffectual efforts made to procure other reference. After discussion it was, on motion, referred to a select committee of nine, to consider and report thereon.

"May 13.—On motion of J. A. Collins, the report of the committee on the judiciary, of 1836, in relation to a memorial from Westmoreland and Lancaster circuits. Baltimore Conference, was referred to a committee raised on the memorial from Westmoreland circuit to this Conference.

He takes up an old memorial on that subject, left in 1836, and not disturbed from that time. They tell us in the Reply, that this anti-slavery feeling in 1832 became strong, and it was increasing, not only in the Church, but in the civilized world. In 1840 you have applications upon the subject, treating it as an existing evil; and you find members of the body, when that subject comes to be dealt with, digging up a memorial presented in 1836 on the same subject, and referring it to the same committee. May 21st, Mr. Bangs, chairman of the Committee on Slavery, presented a report, which was read. O. Scott stated the minority of the committee had a report to present; the report of the majority, and also that of the minority, were laid on the table. On motion, the report of the Committee on Slavery was taken up. Then we have a very slight circumstance to be sure, but indicating the character of this difficulty :—

"O. Scott, rising to speak, and intimating that he would probably extend his remarks beyond fifteen minutes, it was, on motion, resolved to suspend the rule restricting a speaker to fifteen minutes, so as to permit brother Scott to proceed at his own discretion."

This, then, was no trifling subject. Brother Scott, I suppose, in ordinary cases. dealt with the usual brevity, and fifteen minutes were enough to pour him out; but upon this subject his depth and fulness were entirely inconsistent with the fifteen minutes' rule.

"After brother Scott had proceeded some time with his remarks, he gave way for a motion to adjourn, which prevailed; and Conference adjourned, to meet to-morrow morning at half-past eight o'clock.

"*Friday morning, May 22.*—Conference proceeded to the consideration of the unfinished business of yesterday, it being the first resolution accompanying the report of the Committee on Slavery. The discussion was renewed.

"On motion, Conference resolved, that when it adjourn, it adjourn to meet this afternoon at three o'clock."

On ordinary occasions, I suppose, these gentlemen took the afternoon for social intercourse; probably dined together; but brother Scott and slavery had now taken a degree of interest, which threw these mundane considerations quite into the shade, and on they went in the afternoon :—

"During the debate, brother Crowder being on the floor, and having spoken fifteen minutes, a motion was made that he have liberty to proceed with and conclude his remarks. For this, a substitute was moved in these words, 'That the rule restricting speaking to fifteen minutes be suspended during the discussion of the subject before the Conference. Lost.'"

They had the experiment of two absolutions of the rule, and that seemed to satisfy them. Then a report was made, which took a course, which is to my mind more distinctly indicative of the gravity and difficulty of the subject, than any other thing which the report could have contained. Here were two parties, which, it was evident, never could be satisfied by a report of the committee which should adopt the senti-

ments of one or the other ; and what did they do ? Your Honours will find in this Methodist body no small degree of talent, and also some adroitness. They adopted a report which effectually declared the principle, that this Baltimore Conference was altogether wrong in the Westmoreland matter—that connexion with slavery was no objection to official standing in the Methodist Church, in States where emancipation was impossible. “But how do we know,” said they, “that it was done on that ground ?” Nobody doubted it ; nobody denied it. It was perfectly palpable ; but it was not on the minutes. They avoided the difficulty, and satisfied both parties. They refused to disturb the action of the Baltimore Conference, because it would infringe on the freedom of this conference, in passing upon the character of the ministers proposed for ordination, if they compelled them to put down their reasons ; and as they could not tell by the record that that was their reason, they would not disturb the report. That was to satisfy the Baltimore Conference and the North ; and then to the South they say, if that was the reason, then it was wrong. Exactly telling how the man would have swapped, if he had had a horse.

It was exactly a report indicating a state of things in that Church in 1840, which called from their wisest men, their most peaceful men, measures the most careful, adroit, and temporizing, so far as should be consistent with truth, and without a violation of distinct and clear duty. These gentlemen found it was a subject they could not manage. They had to temporize ; they had to satisfy both parties, by saying to one, we cannot reverse your judgment, and to the other, if the judgment was on the ground you say it was, it was all wrong. Can anything more clearly indicate the character of the irreconcilable difficulty ; that showed it was vain to hope or expect submission to a decree on that subject in that Conference ? I submit that it was a most palpable exhibition of the difficulty ; and when this Answer says, that in 1844 there had been no difficulty before that time which rendered a separation likely, or a subject of consideration, it seems to me many things have been overlooked, and that it has been a thing said in the way of argument in presenting the case, rather than as an averment of the truth. Indeed, it is not averred in the Answer upon the knowledge of the gentlemen, but I think there is a qualifying declaration, informed or advised by counsel, or something of that sort. I submit it stands proved that the difficulty then was great and irreconcilable.

Upon p. 58 of our first book of Proofs, is the bishops’ address, with which that Conference commenced. It appeared that in 1840 this subject had already led to a partial dismemberment of the Church. I will read a part of the address :—

“It is justly due to a number of the annual conferences, in which a majority, or a very respectable minority of the members are professedly abolitionists, to say that they occupy a very different ground, and pursue a very different course, from those of their brethren who have adopted ultra principles and measures in this unfortunate, and, we think, unprofitable controversy. The result of the action had in such conferences, on the resolution of the New-England Conference, recommending a very important change in our general rule on slavery, is satisfactory proof of this fact, and affords us strong and increasing confidence that the unity and peace of the Church are not to be materially affected by this exciting subject. Many of the preachers, who were favourably disposed to the cause of abolition, when they saw the extent to which it was designed to carry these measures, and the inevitable consequences of their prosecution, came to a pause, reflected, and declined their co-operation. They clearly perceived that the success of the measures would result in the division of the Church ; and for such an event they were not prepared.”

I beg leave to comment upon this. These gentlemen saw the result of the abolition measures would be the division of the Church, and for that they were not prepared. And what do the bishops say these gentlemen did ? They exercised for-

bearance. If they did not forbear, they saw it would lead to a dissolution of this Church. Here is a plain intimation of the danger directly before them, and the means of avoiding it, which means peace-loving people had adopted with the view of avoiding the danger. These bishops hoped, and spoke from hope, that they would be continued, and then the danger of separation might be avoided. But every one must see in this address, that if this subject continued to be agitated, the inevitable consequence would be a division of the Church. This is an official document, declaring what has since occurred, in terms almost prophetic. If the difficulty existed, where is their "answer," in which they say there never was a difficulty justifying a contingent separation growing out of it. The bishops, speaking from the hopes of good men, go on to say :—

"They have no disposition to criminate their brethren in the South, who are unavoidably connected with the institution of slavery, or to separate from them, on that account. It is believed that men of ardent temperament, whose zeal may have been somewhat in advance of their knowledge and discretion, have made such advances in the abolition enterprise as to produce a re-action. A few preachers and members, disappointed in their expectations, and despairing of the success of their cause in the Methodist Church, have withdrawn from our fellowship, and connected themselves with associations more congenial with their views and feelings; and others, in similar circumstances, may probably follow their example. But we rejoice in believing that these secessions will be very limited, and that the great body of Methodists in these States will continue as they have been, one and inseparable."

In other words, it is now evident these two principles cannot coexist in this Church. Either this business of abolition must cease to be agitated and talked of, or there must be secession. There has already been the secession of ultra gentlemen from the Northern conferences, because they will not go far enough, and everybody sees, if this thing continues, separation is inevitable; and the bishops hoped, with this thing laid before the Church, with the pastoral admonition and communication, that quiet would ensue. Again they say :—

"Rules have been made from time to time, regulating the sale, and purchase, and holding of slaves, with reference to the different laws of the States where slavery is tolerated; which, upon the experience of the great difficulty of administering them, and the unhappy consequence both to masters and servants, have been as often changed or repealed. These important facts, which form prominent features of our past history as a Church, may properly lead us to inquire for that course of action in the future, which may be best calculated to preserve the peace and unity of the whole body, promote the greatest happiness of the slave-population, and advance generally, in the slaveholding community of our country, the humane and hallowing influence of our holy religion. We cannot withhold from you at this eventful period, the solemn conviction of our minds, that no new ecclesiastical legislation on the subject of slavery, at this time, will have a tendency to accomplish these most desirable objects. And we are fully persuaded, that, as a body of Christian ministers, we shall accomplish the greatest good by directing our individual and united efforts, in the spirit of the first teachers of Christianity, to bring both master and servant under the sanctifying influence of the principles of that Gospel which teaches the duties of every relation, and enforces the faithful discharge of them by the strongest conceivable motives. Do we aim at the amelioration of the condition of the slave? How can we so effectually accomplish this, in our calling as ministers of the Gospel of Christ, as by employing our influence to bring both him and his master to a saving knowledge of the grace of God, and to a practical observance of those relative duties so clearly prescribed in the writings of the inspired apostles?"

Now, I submit to the good sense and fair judgment of every reader of that address, if it was not the action of the nurse stepping about softly in the sick chamber, where the patient lay in that state in which noise might destroy him; and whether the whole aspect of it does not import that here was a dangerous crisis in the malady of the

Church, when agitation would lead to a separation and division, which, say the bishops, Northern gentlemen are not now prepared for. Does it show that there was no evil on this subject, no danger, no aspect of separation, no difficulties, no differences, (in the language of this Answer;) so that when these gentlemen, in 1844, after an agitation unparalleled in its character, and acts of the most wounding style committed against the feelings of the Southern delegates, made a declaration that a continuance in that state was no longer possible, did they declare some new thing, a thing then originating, and which required them to be active in bringing their prophecy to pass? or were they speaking historically as to matters they had observed for a long time, and which then flashed upon them with a light no one could resist. I think your Honours will read with advantage the Address to the British Conference, and the answer to it.

These conciliatory measures were adopted in 1844, and yet it will be said that this shows there was no danger. What does it show? It shows there is no danger if you keep still; your patient may recover if you keep quiet; but if you fire a cannon about him, you may kill him? What was done? What was the history of things from 1840 to 1844? I speak quite within a moderate form of expression, when I say that in 1844 the agitation was fiercely renewed, and that agitation had grown from the state of things between 1840 and 1844. You will see the beginning of the Conference of 1844 flooded with petitions on the subject of slavery from Northern conferences. You will see the "Breakwater Conference" anew standing up to make the waves break. The Conference took up the case of Mr. Harding as early as May 4. This Mr. Harding, of the Baltimore Conference, had been suspended from his ministerial standing for refusing to manumit certain slaves who came into his possession by his marriage. On the 8th May this business was taken up and debated, and on the 10th also. On the 11th it was again taken up, and decided; and they then sustained the degradation of a man living in a State where it was shown he could not manumit the slave, except by submitting him to be transported out of the State by the sheriff, and if the slave had connexions, wife, children, all would have to be abandoned. Was this the quiet of the tender friend to a sick patient? Was this behaving according to the recommendation of the Conference of 1840? Or was it not breaking with thunder upon this wished-to-be peaceful body? It seems to me that no gentleman of discretion in that Conference, could have looked at that thing, and at the historical and prophetic declaration of the bishops in 1840, without seeing proof of the now-existing state of things. It seems to me that the knell of this peace was then sounded—the division was then declared; and look at the consequences. Immediately, under the impulse which a large majority gives—for men acting in bodies are acted upon by their sympathies, and, as Lord Chesterfield expressed it of the House of Lords, every great assembly is a mob; that is to say, they go more by sympathies than by individual wisdom—it produces action in the case of Bishop Andrew. I need only refer to that: I do conceive it is a touching history; no one, I think, who ever read the account of the proceedings can ever let it be obliterated. In the first place a resolution is offered asking him to resign. That would have been, to be sure, advisory, but pretty strong advice, like inviting a man to leave your room; you invite him peaceably first, and if he does not go, your servant takes him by the coat, and says, "That is the way, sir." But this at first was an invitation. Either it was rude, or offensive in some way, or it was insufficient,—I am unable to say which,—and then a resolution was presented by Mr. Finley, that he desist from his episcopal functions. I wish to read this now, in reference to what is disputed between the two parties in 1844, as to whether this is advisory merely, or covertly a sentence of degradation.

"Whereas the Discipline of our Church forbids the doing anything calculated to destroy our itinerant general superintendency, and whereas Bishop Andrew has become connected with slavery by marriage and otherwise, and this act having drawn after it circumstances which, in the estimation of the General Conference, will greatly embarrass the exercise of his office as an itinerant general superintendent, if not in some places entirely prevent it ; therefore,

"Resolved, That it is the sense of this General Conference that he desist from the exercise of this office so long as this impediment remains."

It seems to me that any one skilled in ecclesiastical sentences would find here every element of a sentence of degradation. It refers first to the Discipline—it forbids so and so. What is the use of the recital, if the gentleman has not done something forbidden? Why recite the law to say that it has been kept? It is cited to show that it was broken, and that these gentlemen acted under warrant of the law. I am at a loss to know what a judicial sentence is, if that was not. It recites what the Discipline forbids, and then that Bishop Andrew had become connected with slavery, which drew after it certain consequences. Here is the only thing which is different from a judicial sentence: it is a sentence of a bill of attainder; in other words, instead of saying this violation has drawn after it consequences which the law imputes to crime, it says it draws after it consequences which are adjudged to be inconsistent with the social state. You may search the history of bills of attainder in England and analyze them, and you will always find some grave misdemeanor which has never been precisely defined by the law, but which has satisfied those who sat in judgment and passed the bill, that it was a grievous offence, not by reason of violating some known law, but some great principle which those who sat on it thought needed protection, and for that they pass the attainder, forfeit the estate, take the life, bring the subject to the block.

But what did they do here? Did they advise Bishop Andrew to manumit his slaves? That would have been absurd. They knew he could not do it. When you advise a man, you suppose it is something which he can do. Why did they not advise him to manumit his slaves? It would have struck every one as an absurdity. Manumit them in Georgia! Every one would have said, it is like asking him to run when manacled. They passed a judicial degradation. They said, "It is the sense of this General Conference that he desist from the exercise of this office." "That he desist!"—that is not a term of advice. He is not invited to do anything, but it is "the sense," the judgment, of the Conference "that he desist." Is not that a judicial degradation of this gentleman? What is the office of a bishop? Let us see whether this is a degradation or not. "He that desireth the office of a bishop, desireth a good thing." What is the good thing? Is it to be called a bishop? Is it to be printed in the Hymn book and Book of Discipline with no functions? Is it to receive \$200 a year? Surely not; and last of all in this Connexion, among whom we are now walking, self-denying men, living in contented poverty, and in their contentment being richer than any of the bishops who wear mitres. What is desirable in the office of a bishop? It is the duty and functions of the bishop; the opportunity of glorious labour; the noble duty of supervising the religious instruction and conduct of the ministers among whom he walks. These are the things which make the office of a bishop desirable. That is the "good thing" to be desired. It is the carrying out of the great principle, that it is the glory of the labour which is the glory of the office; it is not the glory of the title, of wealth, of ease—it is the glory of the functions of the episcopacy which he is exercising, which induce him to accept it, and make him honoured. "From all these things, Bishop Andrew, you must abstain." "Violated any law?" "Yes, you have violated a law,—not exactly that we can try you for; but you have done that which satisfies us of a violation of our principles of

policy, as the high, supreme, sovereign, judicial, and legislative body, for which we attain you." There it lies. That is the sentence; and when afterwards in the Conference somebody, certainly with more kindness of heart than judgment, moved a resolution that it should be considered advisory, the good sense of the members rejected it, because it would have been absurd to call it advice. The sense of this Conference is that you desist; the judgment of the Conference is, that in consequence of a violation of the principle of Discipline, you must desist. Here was an action of the most permanent character, bearing upon this question in such a way as most effectually to bring into view the prophecy of the bishops in 1840, that a further agitation of this subject would render a separation of that Church unavoidable. I cannot forbear calling your attention to the deliberation with which this was done. If it had been a transient ebullition, which it might be expected cooler moments would have quieted, our learned friends might say there was nothing to be apprehended; but this thing was debated from May 23d to some day in June. In the meantime the bishops all came out with some advice. They say, Postpone this subject until 1848—let time come and heal the agitation and heat upon this subject—let it come with its healing, its cooling influence; and so would have been the advice of every man who did not believe the evil incurable. After that was presented, one of the bishops, Bishop Hedding, thought, "well I am sure this will do no good," and revoked his signature. The other bishops, for different reasons, stood by that recommendation. Now see how deliberate this was. Would it not be a libel upon this body to suppose that this indicated a transient feeling, or anything likely to pass away between 1844 and 1848? Can anybody say that the Conference was so reckless of the safety of the Church that they preferred acting immediately, although it would lead to such consequences, rather than to wait till 1848?

I say that by this act the bishop's itinerancy and episcopacy were plainly destroyed, and he was disqualified without conviction of anything. It was a legislative declaration as to slavery disqualifying every preacher, in Harding's case, and every bishop, in Andrew's case; so that thereafter in that Southern country no man connected with slavery, however involuntarily, could ever be a preacher or a bishop, and for the same reason he could hold no official station in that Church. I ask whether that did not indicate a foregone state of opinion, which had been previously produced? because it is in vain to say that it was all got up by the Northern men at the meeting of that Conference. It was the result of previous deliberation, then only ripened and discovered. It is in vain to say, with such a disqualifying sentence upon all the preachers of this body belonging to the Southern conferences connected with slavery, that it was possible for them to go on as co-operating members of a ministry.

Was there any change to be hoped for on this subject? In 1832, as the Reply to the Protest tells us, the anti-slavery feeling had got a great headway and was constantly increasing. We have seen what it was in 1840. We now see what it was in 1844, after an experience of twelve years, resulting in acts of a very extreme character. Certainly I speak in moderation when I say these two acts were of an extreme character. Was there any hope that gentlemen who were adverse to slavery would give up their opinions? It would be contrary to experience to expect that that which had gone on increasing would not continue to increase, but would, because it had increased, diminish. How was it with the South? Was this the way to conciliate them? The bishops, in 1840, had told the Conference "Keep quiet," and in the very face of that they go on with the most serious acts, wounding to everything the Southern people considered distinctive of themselves. Is that a thing which would conduce to peace on their part? Is that a measure likely to result in a better state of the Church?

This Declaration was handed in on the 5th of June. It says, (p. 97,)—

“The delegates of the conferences in the slaveholding States take leave to *declare* to the General Conference of the Methodist Episcopal Church, that the continued agitation of the subject of slavery and abolition in a portion of the Church; the frequent action on that subject in the General Conference; and especially the extrajudicial proceedings against Bishop Andrew, which resulted, on Saturday last, in the virtual suspension of him from his office as superintendent, must produce a state of things in the South which renders a continuance of the jurisdiction of this General Conference over these conferences inconsistent with the success of the ministry in the slaveholding States.”

I beg your attention to the last four lines of this. They speak of causes which are past, and the effect that they must produce. They speak of effects which are certain. They do not say “we suppose they will;” they speak with certainty of the fact, and of consequences within their own knowledge; and then they declare what those consequences are “which render,” not “which will render,” or “are likely to render,” but which render the separation necessary. This was a declaration of sensible men,—a declaration, I think, in the very spirit of peace to that Church,—because at every Conference there would have been trials, degradations, and elections of bishops more and more free from any connexion with slavery, and therefore more and more foreign from the people among whom they were to minister. That Declaration was signed by all the delegates from the Southern conferences. It was referred to a committee. Then,

“J. B. McFerrin offered the following resolution:—

“‘*Resolved*, That the committee appointed to take into consideration the communication of the delegates from the Southern conferences be instructed, provided they cannot in their judgment devise a plan for an amicable adjustment of the difficulties now existing in the Church, on the subject of slavery, to devise, if possible, a constitutional plan for a mutual and friendly division of the Church.’

“T. Crowder’s motion to strike out the word ‘constitutional,’ did not prevail, and the resolution was adopted.”

This shows how distinctly the question of constitutionality was brought in. The committee of nine was composed of five of those who voted for the sentence, and four who voted against the sentence of Bishop Andrew. Then came the Protest and the Reply to it, both of which I ask your Honours to read, not as detailing facts, because these gentlemen, no doubt, took different views of facts and especially of inferences, but with a view of looking at the character of the principles detailed in both these papers, and to ask yourselves whether, supposing them both to be sincere, they did not declare principles on each side, under the same Discipline, which prevented this Church from ever being anything but nominally in unity. The moment those papers came in,—one the manifesto on the one side, and the other on the other,—there was as entire a separation in fact as afterwards was accomplished in form. I do not intend to read either of these papers, but I beg very briefly to say what principles they avowed.

On the part of the Southern gentlemen, the Protest avowed that the Conference adopted this sentence as degrading Bishop Andrew without a trial. On the other side they declared such things might be done, and it was not degrading the bishop; that they had a right to do it without trying him. There was a principle of Church government involved, vital to the episcopacy of that Church. One side say, “You do, in effect, punish this bishop by bill of attainder.” The other side say, “We have a right to do that with the bishop, for this cause or a similar one.” Here was a division on the subject of episcopacy in the Church government, which would seem to make it perfectly idle for them to expect to go on together as a Church, each main-

taining their sentiments. Was there any hope of these gentlemen changing? I am at a loss to see in anything that afterwards took place the slightest indication that anything would have produced an amelioration.

The Protest avers that this sentence rested on a mere aversion to slavery, and that it thus announced a purpose destructive to the unity of the Church, and adopted the anti-slavery principle, and that so a division was already made. Now, my learned friends set up in their Answer, that the division was not made until after this Protest; and the gentlemen who made it, endeavoured to make good their prediction.

What do they say in the Reply? They set up that no slaveholder ever had been a bishop. The allegation of the Protest is, You adopt the anti-slavery principle, and the degradation of the bishop, on the mere ground of aversion to slavery. They set up that no slaveholder ever was a bishop intentionally in this Church. Here is a principle broadly declared and united in on both sides,—both uniting in the fact, the only difference being one saying that it was, and the other, that it was not right.

The Reply declares that his acting as bishop would be injurious to the North, and they say he could have no itinerancy at the North; in that way averring that the Northern sentiment should control in this Church. Does any one suppose that was a thing to enable this Church to stand as an undivided Church? They then aver another thing, in which it seems to me they had the letter though not the spirit of their Discipline with them, that the General Conference was not limited in its powers as to slavery. The Protest had averred that there had been a compromise on the subject of slavery, and their Discipline showed it. On the other side, they averred there was no compromise upon the subject which bound the General Conference. It seems to me that though it did not bind them in letter, yet it was one of those things upon which both parties had so acted that it was in honour as valid and complete a compromise as anything ever done. It was very much like those things which have taken place in this country called "compromises." You cannot limit Congress; but when large sections of country are agitated, and measures adopted which are on both sides considered as concessions for peace' sake and compromises, they are binding in honour and conscience, although not binding in law and by legal technicality. That was exactly the state of things here; but the gentlemen who had the majority in the Conference of 1844, very clearly declared "We will listen to no considerations in that spirit; we will consider ourselves entirely free on that subject, to go to the utmost limits of the sovereign power of the General Conference."

Again: this reply clearly alleges that the Southern Churches and conferences were bound to receive bishops who held anti-slavery sentiments. So they were; but how was it to conduce to the peace of the Church that all the bishops who were sent to the South should go without the slightest sympathy which the relation of master and slaves in any of its forms could ever give rise to? Was that an episcopacy? Was that a ministry which in a Protestant country ever would be received and listened to, or permitted to exercise its functions? After this Protest and Reply, could this body continue together? and is it not evident that unless the Methodist Church could extinguish slavery, it must leave the South? On that subject, it seems to me, it is too much to say, that after what had taken place during this series of years, and had thus ripened and discovered itself in 1840, and more especially in 1844, the Declaration was the cause of the disruption. You might as well say that the doctor who tells you that you have a fever, gave you the fever. I will simply refer your Honours to the result on the queries of the bishops as to how they were to treat Bishop Andrew. Their inquiry was made on the sixth of June; it will be found on p. 124 of book No. 1. As I have abbreviated it, it comes to this. He is to do nothing; but his name is to be published in the Hymn Books and all the pub-

lications of the Society. If I wanted to make degradation most complete, that is the course I should have taken, only adding to it, if I could, the publication of a Methodist Spelling Book, and having his name printed in connexion with the names of the other bishops, whom they were in the habit of seeing.

I have by anticipation spoken of the report of the committee of nine, on the 8th of June, 1844. This committee of nine were originally to consider whether they could devise a plan for amicable adjustment, and if they could not, then they were to devise a plan for separation. The committee reported a plan for separation, turning it upon this Declaration, which had been made, being verified by the delegates from the Southern conferences. The delegates from the Southern conferences, under the lead of Mr. Paine, who was afterwards a bishop in the Southern Church, moved to transfer that burden from themselves to the Southern conferences. That was agreed to. What was meant by leaving it to the Southern conferences if they should find a separation necessary? When were they to make the search? What experiment were they to try in the South? The gentlemen who made the Declaration knew the sentiments of their constituents. What was meant by this finding? It meant what a jury does when it finds. They were to sit down and consider the subject, and if in their conclusions they found that this was so, then they were authorized to make a separate organization. That is all I have to say upon that part of the subject.

This was a plain and distinct authority to these Southern conferences to organize themselves into a new Church. This was in no sense conditional. In the first place, it was not conditional upon any future event which was to determine the conferences. It was to be left to their sober judgment to pass upon this question, of whether a division was necessary to the peace of the Church; and there is not a word of condition in regard to the separation, except "if they should find it necessary." In the next place, no new event was expected to occur. Who was to tell what was to satisfy these gentlemen? Suppose we adopt the conclusion that they were to look for something else to happen. The Southern conferences met in September, 1844. What were they to do? Why, it was to be talked about among the people, and the general sense of the people was to be ascertained on that subject. But did the General Conference of 1844 appoint any judge to determine whether these gentlemen had exercised the power? That was left to these conferences themselves. If their judgments were satisfied, either by what they knew had happened or would happen, that it was necessary, they were to organize a separate Church. What was done? This thing was committed to the conferences by the delegates; they were invited to judge of it. It is complained of, that they advised a separation. Why, they had a perfect right to do so. If in conscience they believed it necessary to the peace of the Church, it was their duty to have done so. The resolutions adopted by the conferences show that it was a matter of discussion; they passed upon this subject, and their judgment was the judgment intended to be conclusive on the Church. Their judgment was to be the concluding judgment on the subject, because there is no pretence that this was to be left to another General Conference, and because they had appointed commissioners to carry this division into effect; showing that they had not anticipated an act of another Conference. If they did not suppose that this was to have been done under that act of the Conference, then they authorized these gentlemen to pass judgment and organize a Church, and when it was done, unless it should suit the General Conference, which was to meet in 1848, that organization made them seceders. Why, by the very nature of the power, by the very invitation to judge on this subject, their judgment was made the concluding and final judgment which was to protect those who acted under it.

Again: it is alleged, and perhaps it will be argued—it is set up in the Answer—that it was all conditional upon the vote on the change of the restrictive rule. Now, that cannot be so, for one very plain reason. The change of the restrictive rule was to authorize the turning over of the property to commissioners from the “Church, South.” It imported that there should be a “Church, South,” before any necessity could arise of voting upon a restrictive rule. Unless the Church, South, was organized, or unless it was certain that it would be organized, the proposition to change the restrictive rule was a mere hypothetical sort of thing. It seems to me that the changing of the restrictive rule was made a condition to only one thing, and that thing was the agents turning over a part of the funds without the decree of a court of justice, or an act of the General Conference, to the commissioners of the Church, South.

Moreover, it has been suggested, in some papers which have gone forth on this subject from our friends on the other side, that all this was a plan to stand and be adopted together. There is nothing of that kind in the Plan. What had taken place with regard to Canada shows that it was perfectly competent, and according to the usage of this Church, to allow of a separation, and to leave the question of property to be afterwards adjusted according to equity. There is nothing in that Plan which makes any part of it conditional, one upon the other, except only that which relates to a change of the restrictive article; and that is a condition only to the action of the agents, and the action of the agents as to turning over the capital.

It is also said that it was conditional upon our conforming to the limits; and they assert, in some of their papers, two violations, as they say, where Southern preachers went into bordering Northern conferences and established preaching houses. That cannot be a condition, because the effect of it would be to make the rights of every one of the Southern conferences depend upon the acts of that conference which happened to be delinquent. That was the provision of a treaty, and not a condition. This was a covenant, and the violators of it stood as the violators of a covenant between two contracting parties. It might be said it was a shame, if the fact were such; and I do not intend to discuss that, because I consider it utterly immaterial. Who gave that border conference that did this, the right to jeopardize the interests of thirteen or fourteen other conferences growing out of this Plan of Separation? Never can this be considered a condition. How long was such a condition to continue? If it was a condition at all, it must be of perpetual obligation. Is it a perpetual condition, so that at any distance of time, after the organization and establishment of the Southern Church, if a conference of that Church should violate it, everything would be annulled which preceded that, and things would be precisely in the same condition as they were before the adoption of the Plan of Separation? That is the effect of holding it to be a condition. It cannot be so. I speak this, I am sure, with the concurrence of the enlightened judgment of the Court.

Then, on the subject of the votes on the change of the restrictive article, it seems that the necessary number of votes were not given to authorize the change. I chiefly notice this, because your Honours will see that it shows no lack of strength in our cause. On the journals of the Conference of the Northern Church of 1848, page 177, I find this report:—The votes were, for altering the sixth rule, from the South 971, and from the North 1,164, in all 2,135; and against it, from the South 3, from the North 1,067, in all 1,070. The three-fourths required was 2,404; so that even at the North there was a majority of about 100 for it. But inasmuch as it required three-fourths, the whole number should have been 2,404; there were 269 votes lacking, out of over 3,000 cast. We have, however, this fact evinced by this, as to the equity of the claim, that the Northern gentlemen themselves, by a very decisive majority,

certainly a working majority under any other circumstances, were in favour of acknowledging this right in the South to part of the funds.

Now, I submit that after what took place, there was no secession ; that those who organized and belonged to the Southern Church did it without blame ; that they are in every sense preachers of the Methodist Episcopal Church, in good standing, belonging to yearly conferences, adopting Methodist doctrines and Methodist discipline. Then, I ask, suppose there be no alteration in the sixth restrictive article, what is the effect of it upon the rights of the superannuated and worn-out preachers of the Southern conferences ! To determine this, we must look to the article. And here I wish to say, that if we are not seceders, if we are as truly the Methodist Episcopal Church in our part, as they are in their part of the country, then I wish to know upon what principle it can be held that it would be a violation of trust in the Book Concern, or its agents, to pay over to our preachers their share of the produce ? The article reads (page 28) :—

“They shall not appropriate the produce of the Book Concern, nor of the Chartered Fund, to any purpose other than for the benefit of the travelling, supernumerary, superannuated, and worn-out preachers, their wives, widows, and children.”

I submit that even if we were a secession, even if we have ceased to be in the Methodist Connexion in the sense of the Methodist Discipline, whether, after all that has taken place, a change of the restrictive article was required to entitle our beneficiaries to this fund. I ask now whether, supposing the book agents had paid out this fund to the Southern beneficiaries, to the widows and children (taking them first as the non-combatants in this matter) their share, would any court in the world say that was a breach of trust in these book agents ? Upon what principle could they say so ? Are these widows and children not in good standing in that Church ? The Northern delegates had said to our people, “You may join this Southern organization without blame.” Then are we not in good standing ? We have done an act which you say we might do, and do without blame. If we have done it without blame in the sense of the Discipline, without blame in the very view of an alteration of the restrictive article, how are we to be excluded from our share ? Although there may be a difficulty, rendering it necessary for these agents, when they are asked to part with the capital of the fund itself, to require the sanction of a court, I can see, I confess, no difficulty as to their being bound to make a distribution among the beneficiaries belonging to the Southern conferences under this article, just as well without as with an alteration of it.

Moreover, if it was intended that the whole of our rights should depend upon the alteration of the restrictive article in this respect, then, beyond all doubt, it would have been arranged, so that the alteration should have covered this case and no other. Then, beyond all doubt, the change in the restrictive article would have proposed so as to have made the article read, “They shall not apply the produce of the Book Concern to any other purpose, than the benefit of travelling, &c., preachers in our Connexion or in any Connexion authorized by us ;” but the alteration recommended is to add, “and to such other purposes as may be determined upon by the votes of two-thirds of the members of the General Conference.” I submit, and on this subject I need not enlarge, for the considerations are very plain, that if we are not seceders, then all these beneficiaries are entitled, even though these book agents should retain possession of the fund, and they must distribute it through these annual conferences.

This being a subject of equitable administration, I have one other consideration to submit on this part of it. Here is in equity an estoppel to the claim, that we are seceders. There is in equity an estoppel to the claim, that we,

who formed this organization under the invitation of the Plan of Separation, by the co-operation of the bishops, and without an intimation from any authorized body of this Church that we were doing wrong, are seceders. We organized ourselves into a separate Church, on the invitation of the General Conference ; and it seems to me against all equity, that they should be permitted to set up that act as the forfeiting act. But forfeiture may be waved ; and it may be waved by acts before as well as after. If I grant permission to a man to do that which would otherwise be a forfeiture, it ceases to be a forfeiture. And after a forfeiture I might do that which sanctions it, and it waves the forfeiture. The law lays hold of everything to defeat a forfeiture. What our learned friends claim in this, is simply a forfeiture, acknowledging our prior right, and acknowledging that it is a penalty beyond the damage, claiming much punishment for little transgression. Now I submit, that the Conference of 1844, has given such a consent as prevents this being a forfeiture, unless your Honours shall say it was one of those plain and direct breaches of trust which come under a very different category. I therefore say, according to my seventh point, that the beneficiaries of the fund in question, who belonged to the Southern conferences, did not by the new organization lose any rights, nor were they disqualified in any manner from claiming their share of the fund ; and such claim is appropriately made through the General Conference, South, which succeeds to the place of the prior General Conference of the whole Church. Our claim to a share of the profits stands on the fact of our not being seceders. Even if the organization of the South should be considered defective, it would not make us seceders in the sense of forfeiting. Upon an idea which I have presented to your Honours, that this General Conference had the power to consent, and did consent, to the organization of a new body, a new General Conference, then, without going to the powers of another General Conference, we have a right to administer that part of the fund which properly belongs to our beneficiaries, in the same sense, and with the same right, that the General Conference of the whole Church had over the general fund when the Church remained undivided. We succeed to our share of the sovereignty—to the sovereignty in our district. This fund is to be administered through the annual conferences, and they are subordinate to the General Conference of the Church, South ; and the General Conference of that Church has the same right to appoint a book agent to carry out their administration, that the General Conference of the whole Church had when the Church was undivided ; or, as the General Conference of the Northern Church has to the fund in their hands. I submit, that if my reasoning has been correct on the subject of a division of the Church, that necessarily follows.

There is no difficulty of form in any part of this case. If there is any difficulty it is upon the substance ; and the substance is, Have our beneficiaries forfeited ? If not, they are entitled, either through their conferences or an individual, to be paid their share of the profits ; and if the Southern Church has been organized according to the doctrine and discipline of the Methodist Church, then we have a right to have that fund appropriated by new trustees. Therefore, in conclusion, I say, that an account should be ordered of the proportions of the profits of the Book Concern, according to the numbers on the minutes of 1844, and at the same ratio of the profits since. That is, according to the "Plan of Separation." Also, the capital of the fund should be decreed to be divided in the same way, and paid over to the commissioners, South, as new trustees, or to proper trustees to be appointed by the Court. The profits of the past are to be subject to distribution, according to the directions of the General Conference, South, whether the fund remain with the present trustees or be paid over to the new trustees.

I have not thought it necessary, and it certainly is not necessary that I should go over the steps that led to the organization of the new Church. I believe there can be no objection to them as a matter of form. I therefore leave this matter in the judgment of the Court.

If your Honours please, the attention with which we have been favoured by the Court in this cause, leaves us nothing to fear as to the calmness and care with which its judgment will be formed. We have argued it at great length, and we thank your Honours for the indulgence extended to us. But we have felt, and no doubt it has been a common feeling among us, that no cause, probably, with which any of us have ever been concerned is fraught with greater consequences, or the subject of more intense solicitude than the present. It involves the feelings and the interests of millions. It touches a question of the gravest consequence to the well-being of this religious community. No political question, nothing that has ever presented itself on this subject, touches in any degree interests so great, or men so influential. We know that it will be disposed of according to its merits. We, on our part, have studiously intended to avoid, however earnest we may have been in advocating our views on this subject, anything that should be offensive to our friends on the other side, or which should tend, in any degree, to irritate the wound in this body. On the part of the gentlemen here, I believe, they are our friends, for the Northern majority, although not amounting to sufficient to warrant this distribution of the funds by the agents themselves, is a majority of our friends. What we have spoken in earnestness, we trust we have guarded so as to give no personal offence, and not tend to aggravate any breach. We trust that the full discussion which this matter will receive on the part of our friends on the other side, as well as ourselves, may so enlighten this Methodist community, that it is to be hoped, whatever judgment your Honours may form on the subject, the principles of equity and of right which seem to us, and, I think, seem to every one, to be those principles of equity and right which lie on the surface, will be most willingly adopted; and that this great controversy, under the enlightened judgment of the Court, may have its final end.

JUDGE NELSON,—Mr. Ewing, you had, perhaps, better put in your proofs now.

MR. EWING,—Mr. Fancher will read our evidence in a few minutes.

MR. LORD,—If your Honours please, there is one authority which, in the absence of Mr. Johnson, I had forgot to quote. I intended to refer the Court to the reasoning of the Court of Appeals of Kentucky, which passed upon this very subject, when a controversy arose in relation to some of the preaching-houses. It was the case of *Armstrong vs. Gibson*. It has been published in pamphlet form.

MR. EWING,—I think it has also been published in 9th Ben. Monroe.

MR. LORD,—The Court in that case decided

JUDGE NELSON,—When was that?

MR. JOHNSON,—Since the separation.

JUDGE NELSON,—Since 1845?

MR. JOHNSON,—Yes, sir.

MR. LORD then read the following note of the case referred to, from a pamphlet published by Mr. Bascom and others, on the subject of this controversy :—

“ Extracts from the decision of the Court of Appeals of Kentucky, in the celebrated Maysville case, in which opinion the whole ground of controversy between the North and the South of the Methodist Episcopal Church, affecting the most important rights of the parties, is subjected to elaborate and careful examination by the distinguished jurists composing the Court :—

“ The General Conference of 1844 having adopted measures which, by many Southern delegates, were deemed injurious to the rights, and character, and usefulness of the Southern ministry of the Methodist Episcopal Church, a Declaration, signed by the Southern delegates, and stating their apprehension of the necessity of a separation, was presented to the General Conference, which thereupon passed a set of resolutions providing for the manner and consequences of the anticipated separation, should it be found necessary, and authorizing, in that event, a distinct Southern organization.

“ Under the sanction of these resolutions, a convention of delegates from fifteen Southern conferences assembled in 1845, renounced by solemn act their connexion with the pre-existing organization and the jurisdiction of the General Conference as then constituted, and, retaining the same faith and doctrine, the same rules and discipline, and the same form of constitution and government, established for themselves a new and independent organization, under the name of ‘ the Methodist Episcopal Church, South.’

“ We are called on to apply to the consequences of a catastrophe which, if it had not occurred when and as it did, must at some time have happened, the provisions of a deed which, having been made when the Church was united and division not contemplated, refers, as might be expected, to the existing name, and organs, and action of a united Church. The one united Methodist Episcopal Church, referred to in the deed, and extending its name and authority to the utmost limits of the United States, having ceased to exist, by division into two Churches of distinct territorial jurisdiction, there is, in fact, no such Church as is contemplated in the deed ; and, therefore, no General Conference of such a Church, no ministers and preachers of such a Church, no members of such a Church.

“ Does the fact that there still remains a portion, whether small or large, of the original body, under the original name of the whole, invalidate the separation, or the rights of the separating portion ? Could the remaining portion of the original body re-assert, in the name of the whole, the jurisdiction which had been renounced by the whole, or revoke the assent which the whole body had once given to the independence of the separating portion ? Certainly, if the whole body had power, by assent and co-operation, to legalize the separation and its independence of a part of itself, the remaining portion of the original body, though retaining the original name of the whole, would have no power, after such assent had been given and acted on, to undo, by its own mere will, what the entire body had authorized. Whatever else may be implied from the identity of name, it cannot give to the present Methodist Episcopal Church a jurisdiction which the original Church had alienated.

“ But it seems to us too evident to require illustration, that the rights and jurisdiction of the Southern Church, and the rights of its members, are precisely the same within its own organization, as if the present Methodist Episcopal Church were called the Methodist Episcopal Church, North ; that if the Southern organization has the sanction of the original Church, it can suffer no disparagement from having been the separating portion, but its independence and jurisdiction are complete ; and that, to the extent of its jurisdiction, it stands in the place of the Methodist Episcopal Church, and is to be so regarded, as well in giving construction and application to these deeds, as in determining the rights and duties of its members.

“ That a Church organization, a self-created body, subject, so far as its own constitution and organization are concerned, to no superior will, cannot, by its own assent, authorize and legalize its own dismemberment, is a proposition contradicted by reason and analogy. That such a measure is inconsistent with the motives and ends of its institution, is no more true with regard to such a body, than with regard to other associations, private or national. Even in the case of states and empires, the unauthorized separation of a part, though originally illegal, and subjecting the

separatists to reclamation and punishment by the remaining government, is legalized by its subsequent assent, with the effect of establishing, in the separating portion, all the rights of independence and self-government.

"It does not admit of question that such a power belonged to the Methodist Episcopal Church, and that *prima facie* the General Conference, the supreme active organ of its government, clothed with powers of legislation almost unlimited, and having alone, in case of unlawful secession, the right of recognition or reclamation, might effectually exercise the power in advance. Indeed, the history of the Church shows that many years since, the General Conference, without reference to its constituents, assented to the separation and independence of the Canada Conference, then forming an integral portion of the general organization, and having, or entitled to have, its delegates in the General Conference itself. And although there seems to have been some doubt on the question of power, we do not perceive that the grounds of that doubt bring in question the power of the General Conference, any more than that of the Church at large, which is unquestionable. The measure, however, was adopted, and no doubt has been since entertained of the lawful independence of the Canada Conference.

"We think it must be conceded that, in the absence of express provision to the contrary, the General Conference has the right, on its own judgment of the necessity of the case, to assent to, and thus to legalize the separation of a part of the Church.

"The evidences in favour of the validity of the act of the General Conference now in question are so strong, as almost to preclude the possibility of a conclusive demonstration against it, and certainly too strong to be overthrown by any doubtful construction.

"If the question of power were doubtful, we should be bound to regard the act of the General Conference as the act of the Church, and therefore as effectual.

"The resolutions, constituting the Plan of Separation, do not expel any individual from the society of which he was a member, nor deprive him of any privilege of property or worship pertaining to that society. But as they propose and provide for a complete separation, according to the organic or territorial divisions of the Church, they necessarily involve a partition of the governing power between two jurisdictions, each possessing, within its territorial limits, the same authority and power as had previously belonged to the whole Church.

"To say that the Church could not be legally or rightfully divided, according to its organic or territorial parts, without the unanimous consent of all the members of the entire Church, or even of all the members of the part proposed to be separated, would be to deny the power of division by any mode of action, since it would subject it to an impossible condition.

"And although one or more annual conferences might be incompetent, by their separate action, against the consent of the General Conference, to bind to an independent organization the local societies connected with them, we are satisfied that the joint and co-operative action of the General Conference and the several annual conferences concerned, was fully competent to determine the question, and fix the limits, of separation, and to establish, over the several societies within whose limits, the jurisdiction of the new organization.

"In determining upon the legality of the actual state of things consequent upon a great movement of this character, every part of the proceeding should be liberally construed, to effectuate the apparent and reasonable intention of the parties; and there is no room for technicality. Then it is apparent upon the face of the resolutions, that there is but one condition upon which the separation and the sanction of the General Conference are to depend, which is, that the annual conferences in the slaveholding States should find it necessary to erect an independent ecclesiastical Connexion, &c. The distribution of the Book Concern and Chartered Fund is obviously intended to be a consequence of the separation, and not a condition on which it is to depend. And the reference to the several annual conferences for a modification of the restrictive rule, was evidently for the purpose of authorizing the intended distribution, and not of authorizing the separation. The slaveholding conferences, referred to in the first resolution, are such as were situated wholly in the slaveholding States. And the delegates from all these conferences assembled in convention, having declared the necessity of separation, and erected an independent ecclesiastical Connexion, the prescribed condition has been complied with.

"As to the actual necessity for separation, that is, the existence of such a state of things as justified it, or rendered it proper, this, if it could ever have been a judicial question, is no longer so. It has been decided by the concurring judgment of the General Conference and the Southern or slaveholding conferences, to which it was referred, and by the fact itself of an actual separation by agreement between the whole and the separating part, which is presumptively the strongest evidence of a high expediency, amounting to necessity.

"But the separation having, as we have seen, been effected by competent powers in the Church, and under the condition and in pursuance of the Plan prescribed by the General Conference, its legality, in view of the civil tribunal, can be in no degree dependent upon the sufficiency in point of discretion or policy of the causes which led to it. It is sufficient that the Church, through its competent agents, has authorized the separate organization and independent self-government of the Southern conferences, and that they have so acted under the authority, as to clothe their movement with the sanction of the Church. This being so, the Southern Church stands not as a seceding or schismatic body, breaking off violently or illegally from the original Church, and carrying with it such members and such rights only as it may succeed in abstracting from the other, but as a lawful ecclesiastical body, erected by the authority of the entire Church, with plenary jurisdiction over a designated portion of the original association, recognised by that Church as its proper successor and representative within its limits, commended as such to the confidence and obedience of all the members within those limits, and declared to be worthy of occupying towards them the place of the original Methodist Episcopal Church, and of taking its name. Such, though not the express language, is the plain and necessary import of the resolutions, in authorizing the formation of a Southern ecclesiastical Connexion or Church, and prescribing a rule for ascertaining its limits; in leaving to the unmolested care of the anticipated Southern Church all the societies, &c., within its limits, and stipulating that within those limits no new ones shall be organized under the authority of the Methodist Episcopal Church; in declaring that ministers may take their place in the Southern Connexion without blame; and in denominating the Southern Church 'the Church, South.' The provision made for a ratable distribution of the funds of the Church, and the relinquishment of all claim to the preaching-houses, &c., within the limits of the Southern Connexion, are of a similar character with the other features of the resolutions, and attest the equity and magnanimity of the late General Conference. That body had, however, no proprietary interest in the preaching-houses, and could only transfer its jurisdiction over them, which is done by the resolutions and the proceedings under them.

"The result is, that the original Methodist Episcopal Church has been authoritatively divided into two Methodist Episcopal Churches, the one North and the other South of a common boundary line, which, according to the Plan of Separation, limits the extent and jurisdiction of each; that each, within its own limits, is the lawful successor and representative of the original Church, possessing all its jurisdiction, and entitled to its name; that neither has any more right to exceed those limits than the other; that the Southern Church, retaining the same faith, doctrine, and discipline, and assuming the same organization and name as the original Church, is not only a Methodist Episcopal Church, but is in fact, to the South, the Methodist Episcopal Church as truly as the other Church is so to the North, and is not the less so by the addition of the word South, to designate its locality. The other Church being, by the plan of division, as certainly confined to the North as this Church is to the South of the dividing line, is as truly the Church, North, as the Southern Church is the Church, South. The difference in name makes no difference in character or authority.

"That the resolutions constituting the law of the case, intended that the minority should acquiesce in the determination of the majority, is manifest, not only from their general tenor and objects, but more especially from the failure to make any provision for a seceding minority, and from the express stipulation that the Church to which such minority might desire to adhere, shall organize no societies within the limits of the other.

"It is sufficient for the purposes of this case to have ascertained, that the Methodist Episcopal Church, South, has within the limits of its organization, as fixed under the rule prescribed by the General Conference of the original Church, all the rights and jurisdiction of that Church, to the exclusion of the present Methodist Episcopal Church.

“It has already been sufficiently shown, that the addition of the word South to the name of the Southern Methodist Episcopal Church, cannot affect the rights either of that Church or of its members; and that the members of a local society, entitled to the use of local property under this or other similar deed, before the division, do not lose their right by adhering to the Methodist Episcopal Church, South, under the resolutions of the General Conference of 1844.”

MR. REVERDY JOHNSON.—May it please your Honours, before the counsel for the respondents proceed with the reading of their proofs, I rise for the purpose of stating, that upon the main question of the case—the question of the power of the General Conference to authorize a separation under the authority of the Constitution of that Conference—I shall rely upon the case of the American Insurance Company *vs.* Canter, in 1 Peter s., beginning at page 511. That part of the opinion on which I shall more particularly rely, will be found as given by Mr. Chief Justice Marshall, on page 512. The language of the Constitution of the Church, as relates to the powers of the Conference, is to be found on page 27 of Proofs, No. 1, and is in these words:—

“The General Conference shall have full powers to make rules and regulations for our Church, under the following limitations and restrictions.”

The power thus subject to restrictions is a power to make rules and regulations for the Church, or, in the language of the clause, “for our Church.” The language in the third section of the fourth article of the Constitution of the United States, upon which the case in 1 Peter s. turns, is, “Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States.” This clause, so far as it is applicable to the power of Congress over the territories of the United States, gives Congress power to make all needful rules and regulations respecting the territory belonging to the United States. The power of the General Conference is to make rules and regulations for the Church. The counsel upon the other side will at once see the purpose for which I cite the case. The question in that case was, whence did the government of the United States derive the authority, from time to time, to govern the territories by involving them all under one form of government, by dividing them from time to time, as in the judgment of Congress a division might be thought expedient, or by admitting them afterwards into the Union as States, under the authority of another clause of the Constitution? The Chief Justice, in giving the opinion, says, that as they had authority to declare war under another clause, and under another clause they had the authority to acquire by treaty, the acquisition whether acquired by force or by treaty, would necessarily carry with it the authority to govern, and it was unnecessary to dispute as to the extent of the authority to govern, because it was to be found in the very words of the third section of the fourth article of the Constitution, which conveyed to Congress the authority to make needful rules and regulations for the territory of the United States. If, therefore, under that power Congress may to-day establish one territorial government, and may to-morrow divide it, if they may keep that territorial government in existence until such time as they think proper to admit its inhabitants into the Union as a State, I contend that the General Conference, as a government for the Church, has the power to make any form of government for the Church, subject to the restrictions imposed, and under the clause which gives to the Conference the authority to make needful rules and regulations for the Church.

MR. E. L. FANCHER.—May it please your Honours, I refer, in the first place, as to the powers of the General Conference with respect to the bishops as to the system

and polity of the Church, which requires that the bishops travel through the Connexion at large, to book of Proofs No. 1, pp. 131-134,—“Extracts from the Address of the Bishops to the General Conference of 1844,” which is dated New-York, May 2d, 1844, signed by all the bishops, including Bishops Soule and Andrew, who are now bishops in the Southern Church. •

“It should never be forgotten that those fundamental principles which define and limit the powers of the General Conference, and secure the privileges of every minister and member, were settled by the body of ministers assembled in conventional form, with great unanimity, after long, deliberate, and careful investigation. And it is equally worthy of regard, that the Church, with almost unanimous consent, and with heart-felt satisfaction, looked to the system as a haven of safety, and a dwelling-place of ‘quietness and assurance.’

“In this happy state of things, embracing all the essential elements of the voluntary principle, the ministers dependant upon the people whom they served in the Gospel word and ordinances, and the people united to their ministers by the bonds of affection and esteem, the work of the Lord steadily advanced; new and extensive fields of labour were constantly opening before us; the borders of our Zion were greatly enlarged; and thousands and tens of thousands were brought under Divine influence, and joined in the communion of the Church. The events of each succeeding year have afforded additional proofs of the soundness of the system, and of its adaptation to the ends for which it was designed.

“The general itinerant superintendency, vitally connected, as it is believed to be, with the effective operation, if not with the very existence, of the whole itinerant system, cannot be too carefully examined or too safely guarded. And we have no doubt but you will direct your inquiries into such channels as to ascertain whether there has been any departure from its essential principles, or delinquency in the administration in carrying it into execution; and in case of the detection of error, to apply such correction as the matter may require.

“There are several points in this system which are of primary importance, and on that account should be clearly understood. The office of a bishop or superintendent, according to our ecclesiastical system, is almost exclusively executive; wisely limited in its powers, and guarded by such checks and responsibilities as can scarcely fail to secure the ministry and membership against any oppressive measures, even should these officers so far forget the sacred duties and obligations of their holy vocation as to aspire to be lords over God’s heritage.

“So far from being irresponsible in their office, they are amenable to the General Conference, not only for their moral conduct, and for the doctrines they teach, but also for the faithful administration of the government of the Church, according to the provisions of the Discipline, and for all decisions which they make on questions of ecclesiastical law. In all these cases this body has original jurisdiction, and may prosecute to final issue in expulsion, from which decision there is no appeal.

“With these safeguards thrown around them, we trust the Church has nothing to fear from the exercise of that authority which has been committed to them in trust, to be used for the conservation of the whole body, and for the extension of the Redeemer’s kingdom, and not to oppress or afflict any. Without entering minutely into the details of what is involved in the superintendency, as it is constituted in our Church, it is sufficient for our present design to notice its several departments.

“1st. *Confirming orders, by ordaining deacons and elders.*

“2d. *Presiding in the General and Annual Conferences.* But there is a marked difference in the relations the president sustains to these two bodies. The General Conference, being the highest judicatory of the Church, is not subject to the official direction and control of the president any further than the *order* of business and the preservation of decorum are concerned; and even this is subject to *rules* originating in the body. The *right* to transact business, with respect to matter, mode, and order of time, is vested in the Conference, and limited only by constitutional provisions; and of these provisions, so far as their official acts are concerned, the Conference, and not the president, must be the judge.

“II. Having noticed in what the superintendency chiefly consists, it is proper to observe that the plan of its operation is *general, embracing the whole work in connexional order, and not diocesan, or sectional.* Consequently any division of the

work into districts, or otherwise, so as to create a particular charge, with any other view, or in any order, than as a prudential measure to secure to all the conferences the annual visits of the superintendents, would be an innovation on the system.

"III. If we have taken a correct view of this subject, *our superintendency must be itinerant, and not local.* It was wisely provided in the system of Methodism, from its very foundation, that it should be the duty of the superintendent *'to travel through the Connexion at large.'* And although the extension of geographical boundaries, and the great increase of the annual conferences, have made it necessary to increase the number of the bishops, still the duty required, and the obligation to perform it, remain the same.

"That such a system as our itinerant ministry could not be preserved in harmonious and efficient operation under the direction of local bishops, is too obvious to require proof. If we preserve a travelling ministry, we must have travelling superintendents. They must add to their official authority the power of their example. Remove the latter, and the former will be divested of the chief element of its strength.

"It is, indeed, a work which requires a measure of the zeal, and self-sacrificing spirit of the apostles, and first ministers of Christ, who followed them. And we devoutly pray that the ministry may never so far relax in the spirit and power of the great commission, *'Go ye into all the world, and preach the Gospel to every creature,'* as to lack men well qualified for this vocation—men whose minds, grasping the work of God in all its length and breadth, will count nothing dear to themselves as appertaining to the present life; but giving themselves wholly to God and his Church, will live, and labour, and suffer for the promotion of Christ's kingdom and the salvation of souls.

"With the foregoing remarks on the duties and responsibilities of the superintendents, we submit to your consideration the importance of having this department supplied with such a number of effective men as will enable them, in consecutive order, to travel through the whole Connexion without subjecting any one to such a continued weight of care and labour as is sufficient to prostrate the mental and physical energies of the strongest constitution, and thereby indirectly defeat the ends designed to be accomplished; and, on the other hand, to guard against the increase of the number beyond the actual demands of the work. In whatever light we view it, but especially in the light of example, the existence of a sinecure in the episcopacy should be regarded as no ordinary evil.

"JOSHUA SOULE,
ELIJAH HEDDING,
JAMES O. ANDREW,
B. WAUGH,
THOS. A. MORRIS."

"*New-York, May 2, 1844.*

I refer next, as to the usage of the General Conference in canvassing the votes of the annual conferences on a proposed change of the restrictive articles, to Proofs No. 1, pp. 43, 46, and 47. I also refer to p. 47, to show that all the annual conferences, including the Southern annual conferences, in the Canada case, admitted the necessity of a change in the sixth restrictive rule before any part of the profits of the Book Concern could be apportioned to the Canada Conference. On p. 43 is this minute from the journals of the General Conference:—

"*Resolved, &c.,* That until the will of the annual conferences shall be ascertained, and a final settlement be made, the Canada Conference shall receive the same equal annual dividend of the profits of the Book Concern as heretofore

"5th. A motion for the adoption of this resolution was made, voted, and carried.

"On motion, The secretary is hereby directed to furnish the delegates from Canada with a copy of the decision of this Conference on that business

"The resolution was presented to the annual conferences, and the following was the result, (according to the minutes of the secretary of the committee to whom the business was referred, at the General Conference of 1836:—)"

Then follows an address which is out of its place. On p. 46 commences the report of this committee:—

" CINCINNATI, OHIO, May 6, 1836.

" Committee on Canada Claims met on Friday evening, May 6th, at the Preachers' Office, Cincinnati. Committee consists of R. Paine, T. A. Morris, A. Griffith, M. Richardson, and C. Sherman. The whole committee present. C. Sherman chosen secretary. Rev. Mr. Lord presented to the committee a copy of the resolutions of the General Conference of 1828 and of 1832, on the subject of an appropriation from the Book Concern of the Methodist Episcopal Church to the Canada Conference, which was read. (See Doc. Nos. 1 and 2.) Copies of the resolutions of the annual conferences, concurring or non-concurring with the General Conference resolution, were then handed to the committee by Rev. B. Waugh, and read. (See Doc. No. 3.) The conferences concurring were as follow :—

New-England Conference, held June, 1832.....	Ayes 73	Noes 1
Maine Conference, held July 24, 1832	" 71	" 0
New-Hampshire Conference, held August 8, 1832.....	" 71	" 0
Oneida Conference, held 1833.....	" 77	" 2
Genesee Conference, held July, 1832	" 69	" 1
New-York Conference, held June 9, 1833	" 142	" 13

Six conferences.	For concurrence, 503	Against, 17
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" The conferences non-concurring were as follow :—

Kentucky Conference, held Oct. 22, 1832	Non-concurring, 66	Concurring, 0
Indiana Conference, held October 17, 1832	" 36	" 0
Pittsburgh Conference, held August 23, 1832	" 61	" 6
South Carolina Conference, held April 22, 1833....	" 26	" 24
Mississippi Conference, held May 15, 1833.....	" 15	" 7
Ohio Conference.....	" 62	" 28
Holstein Conference, held March 29, 1833.....	" 34	" 8
Virginia Conference, held March 6, 1833.....	" 84	" 0
Baltimore Conference, held April 5, 1833.....	" 90	" 0
Philadelphia Conference, held April 24, 1833	" 89	" 1
Missouri Conference	" 24	" 2
Georgia Conference.....	" 41	" 13
Alabama Conference.....	" 22	" 3
Illinois Conference	" 19	" 2
Tennessee Conference	" 72	" 2

Fifteen conferences non-concurring.	Number for, 741	Against, 96
	17	503

Whole number in the several conferences against,	758	For, 599
" " " " for,	599	

Majority against granting Canada claims, 159

" Brother Case then addressed the committee, making several remarks and statements in favour of the claims being answered. Committee was then addressed by brother Lord. After some information, obtained by brother Waugh, committee adjourned, to meet again next Tuesday evening.

" (Signed,) C. SHERMAN, Sec'y."

To show that the annual conferences of the South voted upon the proposition to change the sixth restrictive rule in 1844. I refer to the report on the Journal of the General Conference of 1848, p. 177. That report has already been read.

MR. LORD,—Mr. Fancher, do you consider that report as evidence on the subject?

MR. FANCHER,—It is in evidence.

MR. LORD,—The report is evidence that somebody said such was the fact ; but it is not evidence of the fact.

MR. FANCHER,—I understood that it might be read.

MR. WOOD,—It may be read subject to the decision of the Court.

MR. LORD,—If my friend will read any one of the certificates from the annual conferences as to the result, I will admit that the numbers stated in the report are correct. I wish the Court to see how the question was submitted to the annual conferences.

MR. FANCHER,—I will read the certificate from the Troy Conference.

“TROY ANNUAL CONFERENCE, FRIDAY AFTERNOON, JUNE 28, 1844.—“The president brought before the conference the third resolution in the series adopted by the General Conference, relative to the alteration of the sixth restrictive article of the Discipline, and other matters; so that the first clause shall read as follows:—They shall not appropriate the produce of the Book Concern, nor of the Chartered Fund, to any purpose other than for the benefit of the travelling, super-numerary, superannuated, and worn-out preachers, their wives, widows, and children, and to such other purposes as may be determined on by the votes of two-thirds of the members of the General Conference.

“The question being taken on the motion to adopt the resolution, it prevailed—one hundred and twenty-three voting in the affirmative, and six in the negative.”

“I hereby certify that the above is a true extract from the Journals of the Troy Annual Conference.

“J. B. HOUGHTALING, *Secretary of the Troy Annual Conference.*

“WEST TROY, *March 7th, 1851.*”

MR. LORD,—I am now ready to admit the number stated in the report; and I will sign a consent to that effect with you.

MR. FANCHER,—That is not material; the report states the numbers, and the report is before the Court.

MR. LORD,—The report is before the Court, to show that such a report was made; but it does not, of itself, prove the facts there stated. We will sign a consent, however.

JUDGE NELSON,—If the counsel insists, the facts stated in the report cannot be considered proper and legal evidence of those facts; the report is only evidence that such a report was made.

MR. LORD,—I will sign a consent to the admission as evidence of the numbers stated in the report.

MR. EWING,—The consent can be signed in the recess.

JUDGE NELSON,—I understood the counsel in his argument to concede that the necessary number of votes was not given to authorize a change of the restrictive article.

MR. LORD,—They have not proved that the requisite number was not given.

MR. FANCHER,—It is not necessary for us to prove it. In the complaint they assert that the necessary number of votes was obtained. We denied it in our answer. Therefore the proof was for them to furnish.

JUDGE BETTS,—Let me suggest that it would be, perhaps, advisable for Mr. Fancher to yield to Mr. Lord's suggestion, in order to give perfectness to the evidence. The case should not be put to the peril, if it should go further, of being sent back on account of informality in the admission of evidence.

MR. FANCHER,—Very well. We have acted on the principle that what was the truth should be submitted.

MR. LORD,—My friend has acted on that principle throughout.

MR. FANCHER,—I refer, in the next place, to show that thousands of ministers and members in the territory of the Church, South, were adverse to the proceedings of their Southern brethren, and preferred to remain in the Church of their early choice, to the Journal of the General Conference of 1848, pp. 19 and 37, where petitions were presented from the South on the subject; to the journal of 1848, pp. 116 and 117, where reports were made on the subject; and p. 175, where the General Conference mention it in their Pastoral Address.

MR. LORD,—That, you will understand, is not admitted. It is admitted that it was reported to your Conference that such was the fact.

MR. FANCHER,—I do not understand it as evidence of anything, except that such a report was made to us.

MR. JOHNSON,—How did the subject come before the Conference of 1848?

MR. FANCHER,—On petitions to the General Conference of 1848.

MR. JOHNSON,—Have you got the petitions before you?

MR. FANCHER,—No, sir.

JUDGE NELSON,—If you deem this material, Mr. Fancher, it must be proved by some other evidence, or be admitted by consent of the counsel on the other side.

MR. JOHNSON,—We do not admit the facts there stated.

MR. FANCHER,—The journal of the Conference of 1848 is, I believe, admitted under the same consent as Book No. 2. We refer, therefore, to the facts there stated in the same light, and expect the same effect to be attributed to them, as they refer to their Book No. 2.

MR. EWING,—That is the true exposition of the matter.

MR. LORD,—I will sign a consent.

JUDGE BETTS,—The stipulation admits these journals to be “considered as duly authenticated and verified by proof.”

MR. FANCHER,—The journal of the Conference of 1848 is admitted under the same stipulation as Book No. 2. I shall ask no more on this point than that the Court take a note of these references, and give them what effect they may be entitled to.

I refer also to the journal of the General Conference of 1848, pp. 164–171, as to alleged infractions of the Plan of Separation. This is also in Proofs No. 1, pp. 154–164:—

“Infractions of the Plan.”

“The attention of the committee has been directed, by sundry memorials submitted to their consideration by the General Conference, to numerous infractions of the provisions of the so-called Plan of Separation, upon the part of the Methodist Episco-

pal Church, South ; and upon this subject present to the Conference the following statement and facts :—

“I. *The Methodist Episcopal Church, South, has officially and authoritatively taught the infraction of the Plan by her Convention, her General Conference, her Bishops, her Annual Conferences, her Elders, and leading Ministers.*

“1. *The Louisville Convention taught the violation of the Plan.*

“In the report on organization, passed Saturday, the 17th of May, 1845, the new Church is declared to be formed out of the conferences represented in the convention. (See History of the Methodist Episcopal Church, South, p. 186.) But while the convention in their formal acts of organization, on Saturday, the 17th of May, make this declaration, we find them on the Monday following passing these resolutions, (See Western Christian Advocate, vol. xiii, page 42, col. 7.)—

“*Resolved*, That should any portion of an annual conference, on the line of separation, not represented in this convention, adhere to the Methodist Episcopal Church, South, according to the Plan of Separation adopted at the late General Conference, and elect delegates to the General Conference of the Church in 1846, upon the basis of representation adopted by the convention, they shall be accredited as members of the General Conference.

“*Resolved*, That, in the judgment of this convention, those societies and stations on the border, within the limits of conferences represented in this convention, be constructively understood as adhering to the South, unless they see proper to take action on the subject ; and in all such cases, we consider the pastor of the station or society the proper person to preside in the meeting.’

“Thus, although the convention, in their formal organization, confine themselves to the original limits ; yet two days after, when the way was prepared for further inroads, they enlarge the provisions of the Plan, and extend it into the boundaries of the Philadelphia, Baltimore, and other conferences. And in all societies within the border where no votes would be taken, these societies must be *constructively* understood as adhering to the South. Hence their preachers have generally prevented any voting wherever they could by any means hinder it ; although the Plan of the General Conference required the societies to vote. The conclusion is, that the convention taught the infraction of the Plan in two very important respects.

“First. They exceed the provisions of the Plan by extending it into the territory of the Baltimore, Philadelphia, Pittsburgh, and other conferences. Thus they teach to cross the line.

“Secondly. And in all societies where no vote would be taken, they claim them constructively as belonging to their Church.

“2. *The bishops of the Methodist Episcopal Church, South, have taught the infraction of the Plan.*

“Bishop Soule, in his letter dated Lebanon, Ohio, August 4th, 1845, and published in the Western Christian Advocate of August 22d, 1845, vol. xii, p. 75, col. 2, teaches the breach of the Plan. It is addressed ‘to the preachers and border societies of the Kentucky and Missouri Conferences, and of other conferences bordering upon them.’ The bishop here calls on the societies on the Southern verge of the Ohio, Indiana, Illinois, and Iowa Conferences, to vote whether they will, or will not, remain in the Methodist Episcopal Church. Bishop Soule, however, makes these regulations in reference to his own administration. But this same course was sanctioned by Bishop Andrew immediately, and afterward by their General Conference, and by all their bishops. And indeed Bishop Soule, in his letter to the Rev. Wesley G. Montgomery, dated Nashville, April 30th, 1847, and published in the Western Christian Advocate of May 21st, 1847, hints broadly enough that minorities had best be accommodated. He says : ‘Minorities on either side of the line of division are entitled to a kind and respectful consideration, and should be treated accordingly. And I should think it far better for such minorities, being on the borders, to receive preachers from the Church to which they desire to adhere, provided they believe themselves able to support them, than for majorities to be interdicted the exercise of a right plainly secured to them by the provisions of the law, or rule, in the case.’ Now with this instruction about minorities, as well as the maintenance that the line is a sliding one, and no limits of time are given in which its sliding operation ceases, Southern preachers will find little difficulty in passing over any limits which may be in the way.

“But Bishop Capers’ letter to Rev. Mr. Moorman, and published in the Christian

Advocate and Journal of April 21st, 1847, claims all the territory in the slaveholding States, and this too according to the Plan, or, as he calls it, the 'Deed of Separation.' Now as Bishop Capers claims all slaveholding territory and Bishop Soule as much of the territories of the free States as the accommodation of minorities and the sliding line will transfer, it would be difficult indeed to fix any line at all.

"It were useless to insist, in a matter so clear, that the bishops of the Methodist Episcopal Church, South, have taught officially the violation of the Plan.

"3. *The General Conference of the Methodist Episcopal Church, South, has taught the infraction of the Plan.*

"For proof of this we need go no further than the famous report on the episcopacy, in which the Conference sanctions the breaches of the Plan as taught by the convention, and as was taught and practised by Bishops Soule and Andrew, from the session of the convention in May, 1845, to the session of the Conference in May, 1846. This document will be found in the Western Christian Advocate of June 26th, 1846, and in the Richmond Advocate of May 21st, 1846. The report fully clears Bishops Soule and Andrew of any blame for occupying Cincinnati, the Kanawha district, &c., and gives such full latitude of interpretation, that the limitations of the Plan became a perfect nullity. Our limits will not allow us to quote the report, but it can be perused in the papers, as cited above, as well as in all the Southern papers.

"4. *The annual conferences, editors, and leading members of the new Church, maintain the infraction of the Plan in perfect accordance with the acts of their convention, their General Conference, and their bishops.*

"It were useless to make quotations on this point. Their press teems with approving acts of annual conferences, and the laboured essays and constant admissions of editors and correspondents, upholding fully their conventional, episcopal, and General Conference decisions and acts. And from all this there is no dissent in any quarter.

"II. *The bishops of the Methodist Episcopal Church, South, in their official administration, have actually broken the Plan.*

"As undoubted and official testimony on this point, we need only quote the report on this subject, by our excellent and devoted bishops, which, at the request of the General Conference, they furnished the committee. This official document is as follows :—

" ' *To the Committee on the State of the Church.*

" 'In compliance with a request of the General Conference, made on the 6th instant, the superintendents present to you such information as they possess in regard to alleged infractions of the "Plan of Separation," on the part of the constituted authorities of the Methodist Episcopal Church, South, by which the Methodist Episcopal Church has been injuriously deprived of portions of its territory and members. They must be understood as giving the most authentic statements which have come to their ears, without vouching their own personal knowledge for the correctness of every item thus presented. They are, nevertheless, impressed with a conviction of the truth of the statements generally, as hereinafter made.

" 'They commence first with *Baltimore Conference*. Within its bounds there is a portion of the State of Virginia, situated between the Potomac and Rappahannock Rivers, commonly called the "Northern Neck," embracing the counties of King George, Westmoreland, Richmond, Northumberland, and Lancaster. These counties contained the following circuits, (having a membership of eight hundred to a thousand,) namely, King George, Westmoreland, and Lancaster, each having preachers annually appointed to it from the Baltimore Conference. At different times each of those circuits determined to attach themselves to the Methodist Episcopal Church, not as border *societies*, but as *circuits*. To all of them preachers have been sent from the Virginia Conference, who are there at present, to the exclusion of the ministers of the Methodist Episcopal Church. From the conference of 1847 preachers were sent to this portion of the Baltimore Conference, who found on their arrival the circuits under the pastoral care of ministers of the Virginia Conference. The ministers sent from the Baltimore Conference, not being able to have access to the preaching-places or societies, were withdrawn after suitable time, and sent to places where they were needed, except one, who was left in charge of the whole field of labour. At present this place appears on the minutes, "to be supplied."

No minister of the Methodist Episcopal Church is now in this ancient portion of the Baltimore Conference.

“ ‘ Warrenton circuit has been occupied between one and two years with preachers from the Virginia Conference ; but as the circuit did not go to the Church, South, in whole, a portion thereof continuing in the Methodist Episcopal Church, a preacher from the Baltimore Conference has been continued there. Some of the societies which voted to go to the Church, South, were strictly border societies, but others also went which were as strictly interior societies. One of the churches, (Wesley Chapel,) where a majority adhered to the Methodist Episcopal Church, was forcibly entered and new locks were attached to the doors ; and the Church, South, has it in possession at the present time, unless the civil court has recently decided a suit, which was instituted for the property, in favour of the Methodist Episcopal Church.

“ ‘ Harrisonburg, in Rockingham county, Virginia, unquestionably an interior society, having by a majority of votes determined to connect themselves with the Methodist Episcopal Church, South, a preacher from the Virginia Conference has been appointed to labour there. A minority adhering to the Methodist Episcopal Church, are under the pastoral care of one of its ministers. The church was in a course of litigation a few months since, and probably the case has not been decided by the court. An attempt was made to get possession of the parsonage in Harrisonburg for the Church, South, but with what success there is no information.

“ ‘ Leesburg, a station belonging to the Baltimore Conference, clearly an interior society, has been visited by a preacher from the Methodist Episcopal Church, South, much agitation produced in the society and in the community, and a suit at law commenced for the church edifice. Whether the effort is still persisted in to occupy this place is not certainly known. That which makes this case even a glaring one, is the fact, that the majority of the society voted to adhere to the Methodist Episcopal Church. There are other instances of the violation of the Plan of Separation, in the opinion of some equally apparent with the instances given in this paper, of which more certain information may be obtained from Rev. Messrs. William Hamilton, N. J. B. Morgan, S. A. Roszel, John Bear, and J. A. Collins, members of this General Conference.

“ ‘ *Kanawha District*, in the North-West part of Virginia, is a part of Ohio Conference. In 1845 that work was supplied from the Ohio Conference, as usual. The preachers were received, with one exception, as far as we know, namely Parkersburg station. A part of the members there refused to receive any preacher from Ohio Conference. They rejected the preacher sent to them, not for any objection to him personally, but because he came from Ohio ; and by threats of violence, and preparation to execute those threats on a given day, compelled him to leave the place, and took possession of the chapel. He, however, returned after some weeks, and in connexion with the preacher of the adjoining circuit, to which they were transferred, served the remaining members of the scattered flock in another house. These out-cast members have since erected a chapel for themselves, in which they worship undisturbed ; while the old chapel is supplied from Kentucky Conference, of the Methodist Episcopal Church, South. Parkersburg is not a border station. It is the county-seat of Wood county, situated at the junction of Little Kanawha and Ohio Rivers, and is about seventy-five miles from the nearest point of the Kentucky State line ; so that the Kentucky preachers had to travel that distance through our work to reach it, though they now occupy other places through our work between that and Kentucky. No preachers were appointed from the Kentucky Conference of 1845 to the Kanawha district ; but some were sent there, as we learn, during that conference year, by a presiding elder, that made breaches in some of our circuits. In 1846 the Kanawha district was all supplied from the Ohio Conference, as usual, though the societies in some places were divided by Southern influence. A few weeks afterward a second supply was sent from Kentucky Conference, as we learned from the newspapers. Since that time there have been two presiding elders, and two sets of preachers there ; one from Ohio Conference, and the other from Kentucky Conference. Indeed it is alleged that, at the last session of the Kentucky Conference, they divided the district ; so that the old Kanawha district is now occupied by three presiding elders—one from Ohio, and two from Kentucky.

“ ‘ These are the most material facts which have been reported to us, bearing on the point of inquiry submitted to us, so far as Kanawha district is concerned.

“ ‘*Soule Chapel*,’ *Cincinnati*.—In 1834 Cincinnati, which had previously been one charge, was divided into two, “Wesley Chapel” and “Fourth-street.” Each had definite bounds, within which the stationed minister had exclusive pastoral functions. Private members were *advised* to observe these limits in fixing and holding their membership, but were not considered *bound* to do so, and did not in all cases practise it. But class-meetings, &c., were held in strict regard to this provision.

“ ‘New preaching places have been opened in these charges, under the direction and countenance of the presiding elder and preachers in charge, have matured societies, and have been finally formed into stations by the presiding bishops, and received preachers.

“ ‘In 1844 the first city missionary was appointed, and was supported by a City Missionary Society, whose object was to *carry the Gospel to the destitute*. The first year, with the approbation of those having authority to direct him, he formed three societies, namely, the Bethel, Ebenezer, and Maley Chapel, and succeeded in erecting two small chapels for “Ebenezer” and “Maley,” in the North-West part of the city and suburbs. By permission, he exercised pastoral authority in some or all of these societies.

“ ‘In 1845 the same brother, Rev. G. W. Maley, was reappointed to the same mission. At the same time two of the aforesaid societies, Bethel and Ebenezer, were made stations, and Rev. J. W. White and Rev. Joseph Bruner were appointed to serve them. These two stations were marked out by metes and bounds, as had been invariably done when new stations were formed in Cincinnati. This was done in council with the presiding elder of Cincinnati district, two or three days after conference closed, it having been forgotten in the pressure of conference business. Letters were written by the presiding bishop to brothers White and Bruner, defining by streets, &c., the bounds of the new charges; and the city missionary had Maley Chapel, and the region around it, set apart from all the stations as his special field of labour, within which, *and nowhere else*, he was to exercise pastoral functions. As the superintendent, however, was in haste, he did not write to the missionary, but requested the presiding elder, brother Morley, to give him the information.

“ ‘Three objects were sought in this arrangement :—

“ ‘*First*. As the city mission had lost two principal appointments, it seemed proper to encourage the missionary by assigning him the pastoral charge of this precinct territory, which was fast filling up, and which must, of course, receive most of his labours.

“ ‘*Second*. Ebenezer station bordered on Maley Chapel, and the population and territory were enough to be under the pastoral care of one man, after Maley Chapel and its territory were taken off.

“ ‘*Third*. It seemed to the presiding bishop proper that each city preacher should have exclusive pastoral authority within his own charge; and, though no rupture was then dreamed of, it was thought the exercise of pastoral functions by the missionary within the different charges would derange and disorder the work.

“ ‘Within three or four weeks after these arrangements were made, the city missionary obtained leave from the City Missionary Board to *preach* in “Vine-street church,” an old, deserted building within the bounds of Morris Chapel charge, from one-half to three-fourths of a mile from Maley Chapel charge, and in the heart of the city. If we understand correctly, both the presiding elder and the board deny that the missionary received any authority to form a society there, or do any other act which belonged to the pastoral oversight. He received no such authority from the bishop.

“ ‘A number of brethren, however, obtained certificates, and presented them to the city missionary, not in his own charge, but at “Vine-street,” and in the very heart of the city he proceeded to take possession of his brother’s territory, and form a society. Having increased it to a company of several scores, it voted to go South, was created “a charge” by the authority of Bishop Andrew, and Revs. E. W. Schon, G. W. Maley, (the missionary,) and S. A. Latta, were appointed to serve it as ministers of the Methodist Episcopal Church, South. Bishop Andrew named it “VINE-STREET CHARGE, a border society,” &c. In a short time this society purchased a church, in the heart of “Wesley Chapel charge,” so that between it and the border, or the Ohio River, interposes one whole charge, the Bethel, which makes Soule Chapel as truly an interior station as though it were in Columbus or Cleveland.

“ ‘“*Andrew Chapel*,’ *Cincinnati*.—“Andrew Chapel” was purchased a few months

since by the "Soule Chapel" society, and stands within the bounds of Ninth-street charge, having, like "Soule Chapel," one whole charge—"Morris Chapel"—between it and the border or river. It is understood to have regular preaching, but whether placed on the minutes of the Methodist Episcopal Church, South, as a distinct charge, we know not, but understand that pastoral authority is exercised there in the formation of classes, receiving members, and exercising discipline.

"*Statement of encroachment on the territory of the Philadelphia Conference by the Methodist Episcopal Church, South.*—Accomac and Northampton counties, Va., are separated from the Virginia Conference by a broad bay, (the Chesapeake,) in every place from fifteen to thirty miles wide. The first place that voted to unite with the Church, South, was Capeville in Northampton, about seven miles north of Cape Charles. The next place at which the vote was taken was Salem, eight miles north of Capeville, which, by a strong majority, had previously determined to stay with us. The next place was Johnson's Chapel, about ten miles north of Salem, which, by a small majority, preferred the Church, South. The next place reported to have chosen the Church, South, was Bethel, in Occahannock Neck. Here no vote was taken, but some friends of the Church, South, went around to the houses of the members, and reported that they had obtained a majority for the new organization. These were all that had declared for the South before Mr. Moorman was sent over. Some time after his arrival, Franktown, five or six miles north of Johnson's, gave a majority of one vote for the South, by getting together members who had not attended class for years. Pungotraque, in Accomac county, about ten miles further north, after giving a majority to remain in the old Church several times, at length chose the new Church by a small majority. And, finally, Craddockville, a few miles south-east of Pungotraque, in a neck, gave a majority for the Church, South. There is no appointment between any of the above and the Chesapeake Bay.

"Signed,

E. HEDDING,
B. WAUGH,
THOMAS A. MORRIS,
L. L. HAMLINE,
EDMUND S. JANES.'"

MR. LORD,—That is subject to the same difficulty.

MR. FANCHER,—I suppose it is.

As to the action of the General Conference of 1848, upon the so-called Plan of Separation, I refer to the final report on the State of the Church,—Proofs No. 1, pp. 138–154 :—

"Final Report on the State of the Church.

"The committee on the state of the Church, after a full and careful examination of all the sources of information within their reach, including, as they believe, all that are essential to a just understanding of the subjects hereinafter named, do recommend to this body the adoption of the following as their final report :—

"1. We claim that the Methodist Episcopal Church, South, exists as a distinct and separate ecclesiastical communion, solely by the act and deed of the individual ministers and members constituting said Church.

"In support of this position we set forth the following facts :—On the fifth day of June, one thousand eight hundred and forty-four, John Early, W. A. Smith, Thomas Crowder, and Leroy M. Lee, of the Virginia Conference ; H. B. Bascom, William Gunn, H. H. Kavanaugh, Edward Stevenson, B. T. Crouch, and G. W. Brush, of the Kentucky Conference ; W. W. Redman, W. Patton, J. C. Berryman, and J. M. Jameson, of the Missouri Conference ; E. F. Sevier, S. Patton, and Thomas Stringfield, of the Holston Conference ; G. F. Pierce, William J. Parks, L. Pierce, J. W. Glenn, J. L. Evans, and A. B. Longstreet, of the Georgia Conference ; James Jamieson, Peter Doub, and B. T. Blake, of the North Carolina Conference ; J. Stamper, of the Illinois Conference ; G. W. D. Harris, Wm. M'Mahan, Thomas Joyner, and S. S. Moody, of the Memphis Conference ; John C. Parker, William P. Radcliffe, and Andrew Hunter, of the Arkansas Conference ; William Winans,

B. M. Drake, John Lane, and G. M. Rogers, of the Mississippi Conference; Littleton Fowler, of the Texas Conference; Jesse Boring, Jefferson Hamilton, W. Murrah, and G. Garrett, of the Alabama Conference; Robert Paine, John B. M'Ferrin, A. L. P. Green, and T. Maddin, of the Tennessee Conference; and W. Capers, Wm. M. Wightman, Charles Betts, S. Dunwody, and H. A. C. Walker, of the South Carolina Conference, did present to the General Conference, then in session in the city of New-York, the following Declaration, to wit:—That the continued agitation of the subject of slavery and abolition in a portion of the Church, the frequent action on that subject in the General Conference, and especially the extrajudicial proceedings against Bishop Andrew, which resulted, on Saturday last, in the virtual suspension of him from his office as superintendent, must produce a state of things in the South, which renders a continuance of the jurisdiction of that General Conference over these conferences, inconsistent with the success of the ministry in the slaveholding States; from which it is evident that they sought their remedies for alleged grievances, not in any constitutional acts, but in a violation of the integrity of the Methodist Episcopal Church.

“And further, on the sixth day of June, in the year above-written, the above-named gentlemen, and N. C. Berryman, of the Illinois Conference; I. T. Cooper, W. Cooper, T. J. Thompson and Henry White, of the Philadelphia Conference; E. W. Sehon, of the Ohio Conference, and T. Neal and T. Sovereign, of the New-Jersey Conference, in addition, presented a Protest to the above-named General Conference against its action in the case of Bishop Andrew, in which they assert, ‘If the compromise law be either repealed, or allowed to remain a dead letter, the South cannot submit, and the absolute necessity of a division is already dated.’ Now, while we wholly deny the existence of any ‘compromise law,’ in the sense here claimed, the indication in this extract, and, indeed, in the whole document, of a purpose upon the part of those protesting brethren to secure a division of the Church is too plain to be mistaken.

“And further, at the close of the General Conference, on the eleventh day of June and year above-mentioned, fifty-one of the above-named brethren assembled in the city of New-York, and by formal resolution recommended to the Southern conferences the appointment of delegates to a convention, to commence in Louisville, Kentucky, on the first day of May, one thousand eight hundred and forty-five, said delegates to be instructed on the points on which action is contemplated, conforming their instructions, as far as possible, to the opinions and wishes of the membership within their several conference bounds. And the said brethren issued from this unauthorized meeting an address, in which they call the attention of the Southern Methodists ‘to the *proscription and disability* under which the Southern portion of the Church must, of necessity, labour in view of the action alluded to, unless some measures are adopted to free the minority of the South from the oppressive jurisdiction of the majority in the North in this respect;’ and they declare, ‘that they regard a separation at no distant day as inevitable.’ There is, therefore, no room to doubt that the appointed Louisville Convention was one of those leading ‘measures’ adopted by these fifty-one brethren for the express purpose of freeing the minority of the South from what they are pleased to term ‘the oppressive jurisdiction of the majority in the North,’ and that the contemplated separation, if it actually occurred, must be the legitimate result of these premature preliminary arrangements.

“And further, the several annual conferences now included in the Church, South, did, at their meetings, successively, of their own will and accord, vote to approve the holding of the Louisville Convention, for the purposes proposed by the members of the aforesaid meeting at New-York, appointed delegates to said convention, and in various forms of expression, directly assumed, as far as they were able, the responsibility of the dismemberment of the Church evidently contemplated in the appointment of said Louisville Convention.

“In the meantime Bishop Soule wrote to Bishop Andrew, requesting him to resume episcopal functions, and, in the character and office of a bishop, to attend the sessions of annual conferences, which he did, though said act was clearly in contravention of the expressed will of the General Conference, ‘that he desist from the exercise of the’ episcopal ‘office so long as the impediment’ of slaveholding ‘remained.’ By which acts both Bishop Soule and Bishop Andrew openly repudiated the authority of the General Conference of the Methodist Episcopal Church.

“ And further, in the convention assembled at Louisville, May, one thousand eight hundred and forty-five, delegates from the following conferences, namely, Kentucky, Missouri, Holston, Tennessee, North Carolina, Memphis, Arkansas, Virginia, Mississippi, Texas, Alabama, Georgia, South Carolina, Florida, and Indian Mission, Bishops Soule and Andrew presiding, did formally resolve, ‘ That it is right, expedient, and necessary, to erect the annual conferences represented in this convention into a distinct ecclesiastical Connexion, separate from the jurisdiction of the General Conference of the Methodist Episcopal Church, as at present constituted,’ and they did solemnly *declare* the jurisdiction hitherto exercised over said annual conferences by the General Conference of the Methodist Episcopal Church *entirely dissolved*; and that said annual conferences shall be, and they hereby *are, constituted* a separate ecclesiastical Connexion.’ Accordingly a delegated General Conference from the annual conferences above-named, held at Petersburg, Virginia, May, one thousand eight hundred and forty-six, did assume the powers and privileges of authorized representatives of a separate ecclesiastical Connexion, under the style and denomination of ‘ the Methodist Episcopal Church, South,’ to which Church many of the former ministers and members of the Methodist Episcopal Church, some evidently from choice, and others from the force of circumstances which they felt themselves unable to resist, did, formally or informally, attach themselves, thereby withdrawing themselves from the Methodist Episcopal Church.

“ Finally, while a clearly-marked line of history, extending from the first-named Declaration to the final action of the General Conference of the Methodist Episcopal Church, South, shows the independent action of the ministers and members of said Church, in its organization, we affirm it to be impossible to point to any act of the General Conference of the Methodist Episcopal Church erecting or authorizing said Church, nor has the said General Conference, or any individual or any number of individuals, any right, constitutional or otherwise, to extend official sanction to any act tending directly or indirectly to the dismemberment of the Church.

“ 2. In view of the formal Declaration of the brethren herein first named, that certain acts of the General Conference, especially the act in the case of Bishop Andrew, must produce a state of things in the South which renders a continuance of the jurisdiction of that General Conference over these conferences inconsistent with the success of the ministry in the slaveholding States;’ fearing that ministers and members of the Methodist Episcopal Church would, according to the opinion expressed in the Declaration above quoted, deem it necessary to erect themselves into a separate and independent Church, in the intervals of General Conference sessions, when no remedies for so great an evil could be provided in time, and desiring, as far as practicable, in accordance with suggestions made by brethren from the South, to adopt measures calculated to pacify our members and ministers in the South; the General Conference, at its session in New-York, A. D. one thousand eight hundred and forty-four, did *propose* a Plan for the adjustment of relations between the Methodist Episcopal Church and her separating members and ministers, when such separation should, by their own act and deed, if at all, occur. Such Plan, based entirely upon the first-named Declaration of the delegates from thirteen specified and above-written conferences in the slaveholding States, having relation to those conferences, and to no others, *proposed* an amicable division of territory between them and the Methodist Episcopal Church as follows:—‘ The Northern boundary’ of the prospective new Church to be fixed at the Northern extremities of those ‘ societies, stations, and conferences,’ a majority of whose members should, of their own free will and accord, vote to adhere to the said Southern Church; and ministers, travelling and local, to be allowed to remain in the Methodist Episcopal Church, or attach themselves to the ‘ Methodist Episcopal Church, South,’ at discretion. And said Plan further *proposed* to make over and give to the prospective Southern Church so much of the capital and produce of the Methodist Book Concern as will, with the notes, books, accounts, presses, &c., in the South, due and belonging to the Book Concern of the Methodist Episcopal Church, (the transfer of which is provided for in the fourth article of said Plan,) ‘ bear the same proportion to the whole property of said Concern that the travelling preachers in the Southern Church shall bear to all the travelling preachers of the Methodist Episcopal Church.’ And said Plan further *proposed*, that ‘ the book agents at New-York be directed to make such compensation to the conferences South for their dividend from the Chartered Fund as the commissioners to be provided for shall agree upon.’

“ But the whole of this plan was expressly or otherwise conditional, as follows, namely :—

“(1.) That the asserted ‘state of things in the South, which renders a continuance of the jurisdiction of that General Conference over these conferences inconsistent with the success of the ministry in the slaveholding States,’ should be ‘*produced*’ by the action of the General Conference in the cases referred to.

“(2.) That three-fourths of the members of all the annual conferences should, ‘at their first approaching sessions,’ concur in the vote of, at least, two-thirds of the General Conference so to alter the sixth restrictive article’ of the Discipline, as to add to it the following words, to wit :—‘and to such other purposes as may be determined upon by the votes of two-thirds of the members of the General Conference ;’ it being certain, that should such vote be refused by the annual conferences, the financial part of the Plan could not go into effect, which financial part was deemed by both parties essential to the Plan ; and it being probable that those who were opposed to the Plan as a whole, would vote against the change in the sixth restrictive article.

“(3.) It was clearly and necessarily implied, that the friendship and fidelity of the parties should be evinced by voluntarily keeping inviolate the principles and ordinances of the Plan, pending the settlement of the important conditions upon which its validity and binding force depended.

“In support of the above statement of facts, we refer expressly to the aforementioned declaration of the fifty-one Southern brethren, and to the report of the committee of nine, presented to the General Conference of the Methodist Episcopal Church on the seventh day of June, 1844.

“And further, it will be observed that the *declaring* brethren of the South did not claim that a state of things *already existed*, that required any separation of the South from the jurisdiction of the Methodist Episcopal Church ; or that required the positive enactment of any unconditional plan of such separation. They only asserted that (in their opinion, of course) certain acts of the General Conference ‘*must produce*’ this state of things. And hence they did not proceed upon the supposition that they were the official judges of the facts, which might require the separation of the Southern ministers and members of the Methodist Episcopal Church from her jurisdiction. It is true that the report of the committee of nine, as it was first presented, made these delegates from the thirteen conferences South the judges of that necessity ; but it was so changed as to leave the question to the annual conferences from which they came, thus showing that the General Conference would by no means allow this question of necessity to be decided by these men. From all of which it appears, that the Plan proposed rested, not upon the present or future *existence* of any state of excitement in the South, which might be produced by causes entirely apart from the General Conference ; but upon the *production of such a state of things* as was predicted by the acts of the General Conference alone. Certainly if, upon returning to their charges, our Southern brethren had found that no such ‘state of things’ as they had supposed existed, and hence no separation had occurred, they would not assert the validity of the proposed Plan ; and if it would have been of no binding force, in the absence of the predicted necessity, produced solely by the action of the General Conference, it follows inevitably that such necessity so produced was an indispensable condition of the Plan. And, though this necessity had actually been so produced, and the Southern ministers and members had actually separated on this ground alone, in this case one of the conditions of the Plan would have been met, we nevertheless affirm that in failure of this condition, the Plan became invalid, though *every other condition* of it had been literally fulfilled.

“And further, in proof that the proposed alteration of the sixth restrictive article of the Discipline was a fundamental condition of this Plan *as a whole*, we refer to the third resolution of the report of the committee of nine, in which it is expressly asserted. Also to the published speech of Rev. Dr. (now Bishop) Paine, from which the following language was reported :—‘This separation would not be effected by the passage of those resolutions through the General Conference. They must pass the annual conferences, beginning at New-York, and when they came round to the South, the preachers there would think, and deliberate, and feel the pulse of public sentiment, and of the members of the Church, and act in the fear of God, and with a single desire for his glory.’ Every word of which, in its connexion, would be entirely incompatible with the idea that he referred merely to an extension of the power

of the General Conference in relation to the appropriation of funds ; but it is perfectly consistent with the doctrine here asserted, that a vote on the change of that restrictive article was understood to be a vote on the merits of the Plan *as a whole*. So, we believe, many of the members of the annual conferences regarded it, and hence so many of them voted against it as to defeat the measure. Indeed, so essential to the Plan did our Southern brethren consider this change of the sixth restrictive article, that they never have, in any way, signified their willingness to accept of the Plan without it. With this agrees perfectly the Address of the above-named fifty-one brethren, from their meeting in New-York, held the 11th day of June, 1844, in which they hold the following language :—‘ It affords us pleasure to state that there were those found among the majority who met this proposition (the Plan, not ‘ of formal and specific separations,’ but to provide for the results of separation, should it occur under the necessity above explained) with every manifestation of justice and liberality. And should a similar spirit be exhibited by the annual conferences in the North, when submitted to them, as provided for in the Plan itself, there will remain no legal impediment to its peaceful consummation.’

“ But ‘ if a similar spirit should ’ not ‘ be exhibited by the annual conferences in the North, when submitted to them, as provided for in the Plan itself ; ’ then, of course, by the showing of these fifty-one Southern brethren, ‘ there will remain a legal impediment to its peaceful consummation ’ as a Plan. It is true that the question of a ratification of the Plan was not *directly*, and in so many words, submitted to the annual conferences ; but it is evident, that in the honest opinion of these Southern brethren, it was *in effect* so submitted. Nor could it by possibility have been otherwise, from the language of the Plan, which submits an amendment of the Discipline absolutely essential to the Plan as a whole, the preachers being obliged to vote upon said amendment in view of its bearing upon the whole Plan ; and the failure of said amendment rendering the Plan as a whole entirely unsatisfactory to the South : therefore, in the event of a failure of three-fourths of the members of all the annual conferences—the Southern conferences included—‘ at their first approaching sessions,’ to vote for the change proposed in the sixth restrictive article, said Plan would be, *as a whole*, and hence of necessity in its details, rendered null and void.

“ And further, we claim that the position, that a sacred, though voluntary observance of the requirements of the proposed Plan by the Methodist Episcopal Church, and the brethren South, who should separate from her, was a fundamental condition of the Plan, is a clear and undeniable inference from the whole design and scope of said Plan. It was, as its friends openly claimed, a *peace measure*. It was designed to prevent aggressions from either party, and thus to prevent unchristian feelings and angry collisions between those who claim to be brethren. If, therefore, this great object, lying at the very foundation of the scheme, and in the light of which alone any part of it has the least significance, were disregarded or trampled under foot by either party, the other, as a whole, and every individual of them, would be entirely absolved from all obligations to it whatsoever. If, therefore, this shall be found to have been done, then, though all other conditions of the Plan were certainly fulfilled, it will be to all intents and purposes null and void.

“ Finally, it has fully appeared, that to meet, in what was then supposed to be the best manner possible, the disastrous results of a violent dismemberment of the Methodist Episcopal Church, should it occur, and provide for an amicable adjustment of all relations between the two parties, this provisional Plan was adopted by the General Conference at its session, in the year 1844—that to provide for, or sanction a division of said Church was therefore no part of the intentions of said General Conference. And that it rested upon three distinct and fundamental conditions, the failure of *either of which* must be fatal to its validity and binding force. And though, in the light of four years’ history, we are fully convinced that the act implied a degree of faith in men not justified by the facts, and under all the circumstances of the case it was not adapted to secure its intended results, we cannot for a moment question the Christian liberality in which it had its origin.

“ 3. It is evident to us, that the acts of the General Conference complained of, did not produce a state of things in the South, which rendered a continuance of the jurisdiction of said Conference ‘ inconsistent with the success of the ministry in the slave-holding States ; ’ three-fourths of the members of all the annual conferences did not concur in the vote to alter the sixth restrictive rule, and thus sanction the Plan,

for the accommodation of which said alteration was asked ; and the conditions and requirements of said Plan have been violated : and hence said Plan is [*and, from the first failure of the conditions of said Plan, or either of them, has been*] null and void.

“ In support of which we offer the following facts :—

“ After the adoption of the proposition for a peace measure, and providing for its final ratification and use, in case the predicted separation should occur, it would, as we humbly conceive, have been in perfect conformity to said peaceful arrangement for the Southern delegates to have used their utmost endeavours, as some of them assured us they would do, to quiet the public mind in the South ; and entering instantly upon the regular work, to have met every act of resentment, and every appearance of insubordination to the authorities of the Church, with a calm, dignified, and determined resistance—to have defended the General Conference, so far as they could conscientiously do so, and themselves to the utmost ; for doing which their motions, speeches, votes, Declaration, and Protest, furnished ample materials. To have adopted this course would, we believe, have been doing no more than to meet the just expectations excited by their peaceful protestations upon the Conference floor, and elsewhere, both before and after the vote upon the proposed pacific Plan, and their avowed attachment to the Church of their choice, in its uninterrupted integrity. But if *active* peace measures had been either incompatible with their private opinions of self-respect, or inconvenient under their peculiar circumstances, they, as we verily believe, might have avoided all acts preparatory to the excitement of the public mind, and leading directly or indirectly to the division of the Church ; by doing which, they would have given to the world an example of moderation under circumstances confessedly difficult and trying, worthy of all commendation, and afforded an opportunity for a free, spontaneous, and, in due time, decisive verdict of Southern Methodists, upon the question whether the action of the General Conference had, and ‘ must necessarily ’ have ‘ produced a state of things in the South, which rendered a continuance of the jurisdiction of that General Conference over these conferences inconsistent with the success of the ministry in the slaveholding States.’ This, we claim and assert, the Methodist Episcopal Church had a right to exact of them, in order to a *just estimate* of the circumstances under which the conscientious and legitimate action of her highest judicatory had placed her in relation to the Southern ministers and membership. But, instead of this, these fifty-one brethren, by character and position highest in rank and influence among Southern Methodists, did, at a meeting called and had before leaving the seat of the General Conference, only ten days after the principal action, and five days after the final action, in the case of Bishop Andrew, virtually appoint a convention, to be held in Louisville, Kentucky, to commence on the first of May, one thousand eight hundred and forty-five, to take into consideration the question of a division of the Church ; and thus superinduce the very excitement which they should have deprecated, and attempted by every laudable means in their power to allay. Indeed, it is evident, as it should have been foreseen, that the appointment of that convention alone was, under the circumstances, decisive of the very question which should have been left to the decision of time under the action of all the conservative elements available in the case.

“ Moreover, from the said meeting in New-York, which, if it occurred at all, should have given utterance only to counsels peaceful in their nature and tendency, and strictly loyal to the Methodist Episcopal Church, an address was issued, ‘ To the Ministers and Members of the Methodist Episcopal Church in the slaveholding States and Territories,’ in which these *fifty-one* brethren say, that the ‘ various action of the *majority* of the General Conference, at its recent session, on the subject of *slavery and abolition*, has been such as to render it necessary, in the judgment of those addressing you, to call attention to the *proscription and disability* under which the Southern portion of the Church must of necessity labour in view of the action alluded to, unless some measures are adopted to free the minority of the South from the oppressive jurisdiction of the majority in the North in this respect. The proceedings of the majority, in several cases involving the question of slavery, have been such as indicate most conclusively that the legislative, judicial, and administrative action, of the General Conference, as now organized, will always be extremely hurtful, if not finally ruinous, to the interests of the Southern portion of the Church, and must necessarily produce a state of conviction and feeling in the slaveholding States entirely inconsistent with either the peace or prosperity of the Church. The opinions and

purposes of the Church in the North on the subject of slavery are in direct conflict with those of the South; and unless the South will submit to the dictation and interference of the North, greatly beyond what the existing law of the Church on slavery and abolition authorizes, there is no hope of anything like union or harmony.

"Further similar quotations might be made from this Address, but we deem it unnecessary. We submit it to a candid world, whether language less respectful to the Church of which they were members, or more inflammatory to Southern minds in the midst of slavery, could well be used. Surely there is no room for surprise, that the most excited meetings soon occurred in all parts of the South, and the most indignant resolutions were passed, leading to a degree of public agitation, alarming to the peace of the Church and the nation.

"But one more quotation shall be made, to show that these *fifty-one* brethren did not hesitate, formally, to take the initiative in the work of deciding the question which they had raised, and thus *actually*, as they had already done *virtually*, give the full weight of their influence to counteract the pacific measures which they had asked at our hands, and for which they had just voted: 'As the undersigned have had opportunity and advantages, which those at a distance could not possess, to form a correct judgment in the premises, and it may be expected of them that they express their views fully on the subject, they do not hesitate to say, that they regard a separation at no distant day as inevitable.' After this declaration, of what avail was it to 'beseech their brethren of the ministry and membership in the slaveholding States to examine this matter carefully, and try to reach the conclusion most proper under the circumstances?' or 'disposed, however, to defer to the judgment of the Church, we leave this subject with you?' The result was what must have been expected. The voice of remonstrance, though sincere and beseeching, against the revolutionary measures urged on by such powerful talents and influence, was too feeble to be heard till the confusion was over, and *it was too late*. The act of separation was consummated, as we have already seen, and many thousands hurried out of the Methodist Episcopal Church into the new organization, with scarcely an opportunity to know what it was for.

"We thus see clearly that the way for separation was prepared, not by a state of things in the South '*produced*' by the action of the General Conference, but by revolutionary measures adopted by the Southern delegates at the very seat, and nearly at the time, of our General Conference session. The success of the ministry could not have been hindered by our action; for not only was there no instance of the kind alleged, but there was a want of time to produce any such result, before these fifty-one brethren, by taking the lead of the Southern mind, anticipated their decision. In view of the whole of which we claim and affirm, that the Southern organization was consummated in direct contravention of the Plan proposed to meet the results of separation, thus reducing it to a nullity, by the violation of its first great and fundamental condition. And we moreover claim and affirm, that the very acts of calling the convention and issuing the said Address, by which Southern opinion was forestalled, was an abandonment of the Plan proposed by the General Conference, and hence, for the reason above alleged, the Plan has been of no real force since the date of said call and Address—to wit, the 11th day of June, 1844.

"And further, it appears from official returns made from all the annual conferences voting thereon, including those now embraced in the Church, South, obtained since this session commenced, that the required three-fourths' majority of the members of the said annual conferences has not been given, and hence, and for this reason, as shown above, the Plan is null and void.

"And further, from information officially given by the bishops of the Methodist Episcopal Church, in answer to a call upon them by the General Conference for a statement of the facts in the premises, it appears that in numerous instances the Plan proposed in the event of a separation has been openly violated by the Southern Church, and hence that the peace upon the border and elsewhere, which it was designed to promote, has not been secured. The bishops of the Methodist Episcopal Church, South, have claimed a movable line, thus transferring, from one place to another, the scenes of strife and confusion as fast as society majorities could be obtained, which we regard and affirm to be in direct contravention of the most obvious principles of the said provisional Plan. And it is in evidence before us, that in numerous instances the sense of members on the proposed border has been taken by Southern preach-

ers, privately, and in various other illegal and inconvenient ways, and hence that societies have been reported and claimed for the South, which, by suitable tests, would have given large majorities in favour of adhering to the Methodist Episcopal Church. And in numerous instances influence has been applied, and often varied, and obstinately persevered in, to secure a decision in favour of the Methodist Episcopal Church, South, and contrary to the wishes of many of our people. And also, in some instances, houses of worship, built at the expense, in whole or in part, of members adhering to the Methodist Episcopal Church, have been taken from them without their consent, and without compensation, and they have been discommoded by vexatious lawsuits, costs, and in various other ways, by preachers and members attached to the Church, South, all of which we claim and affirm is in direct violation of the most sacred objects and conditions of the said proposed Plan, showing that it has long since, in this way also, been rendered a nullity by our brethren of the South, and this, notwithstanding the bishops of the Methodist Episcopal Church, waving all conclusions which this General Conference were entitled to draw from the numerous ascertained infractions of the proposed Plan, resolved, 'as far as their administration was concerned,' to adhere to it strictly, which, for the sake of the magnanimous Christian example it exhibits, and in view of the right of the General Conference alone to assert the facts of the infraction and consequent destruction of the Plan, we are happy to find they have scrupulously done.

"Finally, having thus found, upon clear and incontestable evidence, that the three fundamental conditions of said proposed Plan have severally failed, and the failure of either of them separately being sufficient to render it null and void, and having found the practical workings of said Plan incompatible with certain great constitutional principles elsewhere asserted, we have found and declared *the whole and every part of said provisional Plan to be null and void.*

"4. In view of the above-named principles and facts, [as well as the constitutional rights already referred to,] we regard those who have, by their own act and deed, become members of the Methodist Episcopal Church, South, as having withdrawn from the Methodist Episcopal Church. And whereas those who are members of the Methodist Episcopal Church in good and regular standing, cannot be deprived of such membership without due form of trial, all those members who have not attached themselves to the Methodist Episcopal Church, South, are and have been members of the Methodist Episcopal Church, and as such they are entitled to its care and privileges, as provided for in another report of this committee. Respectfully submitted.

GEORGE PECK, *Chairman.*"

I wish to refer to the manuscript journal of the General Conference of 1808, to read a letter from Ezekiel Cooper, in relation to the Book Concern. I refer to it for the purpose of showing how this fund has accumulated.

MR. LORD,—That ought to have been read before the argument commenced. You reserved no right to read it, and permitted me to sum up without its being read.

JUDGE NELSON,—It can be read now if it is within the stipulation.

MR. LORD,—It is within the stipulation ; but it ought to have been read before my argument, unless it was agreed to reserve it.

JUDGE NELSON,—I understood the counsel to allow the postponement of the reading of everything on the part of the defence.

MR. LORD,—No matter.

MR. FANCHER,—This is a letter from Ezekiel Cooper, book agent, to the General Conference of 1808 ; and is entered on the journals of that Conference, under date May 24th, 1808 :—

"Moved by Thomas Ware, and seconded by Wm. Mills, that our present book agents be requested to inform the Conference, if they will continue to conduct the Concern, and on what terms.

"Brother Ezekiel Cooper gave in his resignation as book agent, viz. :—

"I, Ezekiel Cooper, editor and general book-steward, with affectionate and grateful emotions of heart, do hereby respectfully acknowledge to my brethren composing the General Conference, that the trust and confidence which they have reposed in me, as their editor and general book-steward, in the superintendence of their Book Concern, has and does most seriously and deeply affect my sensibility, so as to excite thankfulness to my brethren, and a grateful reverence and humiliation before God, that I have been accounted capable and qualified to fill the station, and have been considered as worthy of trust and confidence in so important and interesting a department ; and it is a matter of inexpressible delight, that I can ingenuously declare to you, that I have, with conscious rectitude, served the interests of the Connexion with persevering integrity and fidelity, to the best of my ability ; and as our report to you will show, from a view of the stock account now rendered, I have served your interests successfully. And may I flatter myself that I have served you with acceptance, so far as to meet the testimony of your approbation ; than which, I do not know any temporary consideration that is capable of giving me a greater satisfaction and gratification.

"When I engaged in the Concern, in the spring of 1799, the whole amount of the clear capital stock, including debts and all manner of property, was not worth more than about \$4,000 ; and I had not a single dollar of cash in hand, belonging to the Connexion, to carry on the work, or to procure materials, or to pay a single demand against the Concern, which at that time was near \$3,000 in debt. Under these circumstances, and thus situated, I engaged in the business with reluctance, fear, and trembling. I maintained and established the Concern by my own personal responsibility for contracts made, and the credit that I had in the confidence of those for whom I did business. Thus, with cautious steps, and prudent forethought, and calculations in business, I had to struggle and go on by night and day ; and I had in certain cases to advance my own cash to meet some of the demands against the Concern. In the course of the first year, I got the business tolerably under way, and by intense application and great fatigue got released from some embarrassments and perplexities, and the business appeared in a state of liberal prosperity. At the General Conference in 1804, the Concern had so far prospered that I could show a capital of about \$27,000, which was clearing for the Connexion about \$23,000 in five years, from a capital of about \$4,000, which was when I received it in a precarious and scattered situation. During which time of five years I had no help allowed me by the Connexion, further than a small consideration of \$330 and my board per year. Four years ago, in 1804, the General Conference appointed Brother John Wilson to assist in the business, since which time we have progressed upon the capital of about \$45,000, according to the report on your table. So that since the time I first engaged in the business, in 1799, till this time, being nine years, the capital stock has increased about eleven-fold, which is more than one hundred per cent. per annum, or about eleven hundred per cent. in nine years upon the original capital stock of about \$4,000, besides the various appropriations to the conferences and other purposes, as our ledger and day-book will show for.

"And now, dear brethren, wishing all success to the Connexion, and to the Book Concern, I hereby give you notice, that it is my wish and purpose to be released from the agency in the Book Concern, and to retire from the responsibility and perplexities of the business. Therefore, I decline being considered as a candidate for the editor or stewardship, wishing you may never have an agent to do you less service, nor to serve you with less acceptance than I have done.

"With great consideration, I am, dear brethren, in sentiments of good-will, and ministerial affection, and Christian love, yours respectfully.

"BALTIMORE, *May 24th*, 1808.

EZEKIEL COOPER.

"To the General Conference now sitting."

MR. JOHNSON,—Does the gentleman read that to show that the capital swelled from \$1,000 to \$45,000?

MR. FANCHER,—The object is to show how the capital accrued.

MR. JOHNSON,—To show that there were no donations, but that the accumulation was the result of the proceeds of the books?

MR. FANCHER,—Yes, sir; I wish to make references in this connexion, to show that from the first the travelling preachers, who acted as agents, were compensated by a discount to them as wholesale purchasers,—generally, I believe, of one-third. I refer to the report finally adopted in the Canada case, (Proofs, No. 1, page 49,) to show that the General Conference exercised a right to vary the discount.

MR. JOHNSON,—What was the discount then?

MR. FANCHER,—I do not know what it was then; but it was generally about 33½ per cent. That report, on p. 49, says, that

“The General Conference have ever claimed and exercised the right to regulate the discount at which our books may be sold to wholesale purchasers.”

I refer also to the journals of the Conference of 1840, (pp. 116, 117,) when the following resolution was adopted:—

“5. *Resolved*, That we allow on all credit sales a discount of twenty-five per cent., the credit to extend to the conference ensuing, when, if not paid, to bear interest from that date; and a discount of thirty-three and one-third per cent. when the cash accompanies the order; provided, that whenever the books are longer than one month in arriving at the place of destination, after the reception of the cash by the agents, then the purchaser shall be entitled to receive interest on the amount paid, for the whole time from the reception of the money until the books are received, at the same rate of interest as is charged by the agents; provided, also, such payments are made in funds which are at par at the agency.”

That rule existed until 1848; then, as will be seen on reference to the journal of that Conference, (pp. 113, 114,) this resolution was adopted:—

“*Resolved*, That a deduction of fifteen per cent. on an average, be made on the retail prices of the books of the General Catalogue; and that the discount to preachers on the books (with the exception of Bibles and Testaments) be, for cash purchases, thirty per cent.; on credit, twenty per cent.”

I next refer, in relation to a point made by the counsel in opening, to the Discipline of 1840, (page 67,) to show that a travelling preacher may be located without his consent.

“Quest. 4. What shall be done with a member of an annual conference who conducts himself in a manner which renders him unacceptable to the people as a travelling preacher?”

“Ans. When any member of an annual conference shall be charged with having so conducted himself as to render him unacceptable to the people as a travelling preacher, it shall be the duty of the conference to which he belongs to investigate the case; and if it appear that the complaint is well-founded, and he do not give the conference satisfaction that he will amend, or voluntarily retire, they may locate him without his consent.”

I wish now to refer to the fact, which is not in evidence, that the Southern conferences, the Southern preachers, receive books from the Book Concern, and have received them since 1844, under precisely the same arrangement that was made with the Canada Conference.

MR. LORD,—Do you mean the Southern organization, or individual Southern preachers?

MR. FANCHER,—Individual preachers.

MR. LORD,—If you will draw up a statement of the fact as you wish it admitted, I will sign it with you; though I think it ought to have been notified to us before.

MR. FANCHER,—I wish to refer to another fact not in evidence—this suit was commenced on the 15th of June, 1849.

In connexion with the reference I have already made to the votes of the annual conferences on the change of the sixth restrictive rule, I ask the Court to refer to Proofs, No. 1, page 136, the proceedings of May 18, 1848, being a statement of the report of the committee on the state of the Church, as to the votes on this question.

MR. LORD,—That was read by Mr. Choate.

MR. FANCHER,—Very well.

I beg to state to the Court that, not having had an opportunity of conferring with Mr. Choate, and not having seen his brief, I cannot say that these are all the references we shall make; but these are all of which I have a note. I reserve the right to make other references whenever Mr. Choate may be able to attend.

The Court then adjourned.

FIFTH DAY.—FRIDAY, May 23, 1851.

MR. EWING,—If the Court please—Mr. Choate, who, by our arrangement, was to proceed this morning with the argument, I am sorry to say, is ill. His physician says he will be able to proceed on Monday. We would ask, as a favour of your Honours, that the case be postponed until then.

MR. WOOD,—Mr. Choate has prepared to open this case upon the evidence; and, as your Honours are aware, it is a very different preparation for the one who is to open and the one who is to follow, and it would derange our whole proceedings if we were to change the order of speaking.

MR. JOHNSON,—The complainants have no objection to the postponement. The clients whom I represent, and I myself, will suffer some inconvenience from it, but that is nothing compared to the absolute necessity of granting this indulgence to Mr. Choate. I am satisfied that the counsel associated with him are not prepared to take his place in the argument. It will be perfectly satisfactory to us if your Honours yield to the application.

MR. WOOD,—If the Court will allow this privilege, we shall arrange to go on with the case on Monday, whether Mr. Choate be able to attend or not.

JUDGE NELSON,—That must be understood; the case must go on on Monday. In consequence of the illness of Mr. Choate, who is the counsel selected to open the argument on the part of the defendants, we shall be obliged to postpone the argument until Monday morning. I was informed yesterday afternoon that Mr. Choate was quite unwell, was under the charge of a physician, and it was doubtful whether he would be able to come to Court this morning. It seems this morning that he is not as well as he was yesterday. He is not able at present to come to Court to open the argument on the part of the defendants. Of course, from the necessity of the case, we shall be obliged to postpone the argument, however inconvenient it may be to the business of the Court, or to the counsel concerned. The argument of the case therefore will be postponed until Monday morning at ten o'clock. Then it must go on, without regard to the condition of the counsel.

The Court was then adjourned to Monday.

SIXTH DAY.—MONDAY, MAY 26, 1851.

MR. FANCHER handed to the Court the *Points of the Defendants*, as follows :—

I. The Methodist Episcopal Church is a religious society, established for the promotion and spread of Christianity, organized in 1784 as an episcopal Church, independent of the English episcopacy ; and prior to the secession hereinafter mentioned, extended through every part of the United States.

II. Said religious society or institution existed under and subject to the law of public or charitable uses.

III. The government and discipline of the society prior to 1808 was under the jurisdiction and control of district or annual conferences, held in each of the several districts into which the territories within their limits were divided—composed of the clergymen within their respective districts : and from the proceedings of those bodies generally an appeal lay to a general convention, consisting of the ministers comprising the annual conferences ; and which convention exercised original as well as appellate powers.

IV Property consisting of real and personal estate, commonly known and distinguished as the Book Concern, has been, and still is, held by trustees, subject to the management of said ecclesiastical jurisdictions of the Methodist Episcopal Church, which is subject to the use following, viz. : to be appropriated “for the benefit of the travelling, supernumerary, and superannuated, and worn-out preachers, their wives, widows, and children.”

V. The said Book Concern was originally commenced by the travelling preachers, and it has been held, more especially since 1808, in connexion with, and in subordination to, the judicatories of the Methodist Episcopal Church, who are the managers of the charity.

VI. The Methodist Episcopal Church, through its annual conferences, as such managers, cannot be deprived of their power and control over said funds, unless guilty of a breach of duty, established by the decree of a court of equity.

VII. The trustees are accountable for these funds and proceeds thereof to the Methodist Episcopal Church and its judicatories, and are bound to pay over said income, in fulfilment of the trust under their management and direction, to the beneficiaries.

VIII. The beneficiaries—to wit, the travelling, supernumerary, and superannuated preachers belonging to the Methodist Episcopal Church, and their families—have no estate in, or right to, the said funds, or the income thereof, otherwise than as the same are given out to them from time to time in the administration of the charity.

IX. Said trustees are not under the control or direction of the persons who may have contributed to the charity, and who thereby irrevocably parted with the same.

X. The members in the Southern annual conferences or districts, who left the General Conference in 1844, and subsequently formed a new General Conference, and a separate ecclesiastical jurisdiction, under the name of the Methodist Episcopal Church, South, seceded and separated from the Methodist Episcopal Church, and are no longer in connexion with the Methodist Episcopal Church, which is now composed of that portion of the former members who remained in it, and are identified with it.

1. The General Conference who adopted the Report of the Committee of Nine—a Plan of Separation so called—had no power to act in the premises.

2. Said report did not authorize such separation, but was prospective, and was accompanied with conditions and terms that have not been complied with.

3. There was no cause of complaint against the action of the General Conference to render a separation necessary or expedient ; their general action (and more especially in the case of Bishop Andrew) being warranted by the rules and usages of the Church.

4. There was a special agreement about the property in question, which should govern, (if the action of the General Conference is available,) in virtue of which agreement the plaintiffs, under the facts of the case, can have no right thereto.

XI. The secession of the members newly organized as a separate Church, if it had been legitimate and fully authorized, and with the entire consent of the Church, would not entitle them to any portion of said funds, without an express agreement to that effect, sanctioned by a court of competent jurisdiction.

XII. The plaintiffs are not entitled to any relief prayed for in their bill.

HON. RUFUS CHOATE,—I feel extreme regret, may it please your Honours, that I have been obliged to avail myself so largely of the unfailing kindness of the Court ; and I hope I shall be able to requite it by reasonable brevity at last. I regret nearly as much that I could not hear the close of Mr. Lord's argument, although, apart from the instruction and delight which I am sure I should have derived from it, it is of less importance since I do not intend to attempt a reply to his address, but rather to confine myself to opening at large and independently somewhat the general answer to the plaintiffs' case.

The question presented upon this record, and upon these proofs, arises, doubtless, out of a transaction of singular and sad interest, and one suggestive of many admonitions, and thoughts, and fears—I mean the dismemberment, partial and *pro tempore*, of the Methodist Episcopal Church. But it is after all a question of mere property, to be decided according to a strict rule of law. In the decision of that question, I have not supposed the Court would be greatly assisted—I have feared they might be embarrassed rather—by any attempt on my part to trace in any considerable detail the causes which have conducted to this dismemberment, or to appreciate the relative measures of blame or responsibility which may seem to attach to the actors or antagonisms that have produced it, and still less by hearing us at the bar, if we were inclined to do so, criminate and recriminate upon the motives that have led to the institution or defence of this particular suit. All that office, if it is to be done, will be done better, perhaps, elsewhere. History, which, it is said, keeps a durable record of all characters and all actions, and before whose tribunal and judgment of the dead, Church, and priest, and people must answer one day, will perform that office far better, *sine ira et sine studio*,—if not now, when some generations shall have passed away. I could desire, therefore, to confine myself exactly and closely to the merits of the question as a question of property. Some observations, however, which have fallen necessarily from my learned and able friend in the course of his very skilful and powerful address, some things that have been very emphatically read from the proofs in the case, and the peculiarities of the extraordinary controversy itself, make it necessary, perhaps, that I should spend a few minutes in the outset upon topics which, I must own, seem to me only quite remotely bearing upon these merits. And we naturally feel a little anxiety, in the first place, to address ourselves to an observation—not perhaps in terms made by my learned brother, yet obviously presenting itself to any one advertent to the aspects of the controversy and these parties—that our attitude is not a very graceful one to begin with, inasmuch as we seem to stand here assenting to a division of the Church, and dissenting from a partition of its funds.

I hope it may be thought enough, in the first place, before advancing further, on behalf of the defendants on the record to say—I mean the defendants who have charge of the property which is the very subject of the bill, the Book Concern—that they received it some time since, upon trust, to apply it to certain definite, inflexible, and peremptory charitable uses, for the benefit of a certain limited and particular description of members of the Methodist Church, their wives, families, and their widows, *remaining mem-*

bers—remaining members, may it please your Honours, for that is the qualification on which this title in every beneficiary begins, and is to be held to the last—to be applied to those beneficiaries under the direction of the General Conference of this Church; and that they have never been directed nor authorized, so far as they can understand it, to withdraw a farthing from these uses, or to pay one farthing of money in any other direction, and therefore they must suppose that they hold it under the original trust unaltered in the slightest particular. Still it would be enough, I humbly submit, for me to say, on behalf of these defendants on narrower grounds, and for the other two defendants on this record,—I mean the commissioners appointed under the Plan of Separation, to act in the division of this fund,—it would be enough to say for them, that according to that very Plan on which these parties bring their bill to-day, they are directed to pay nothing to the plaintiffs, but upon the happening of a certain definite contingency, the rescision of the restrictive rule by the annual conferences, and that contingency has never happened. *Prima facie*, I am quite sure this is a sufficient excuse for those defendants refusing the demand out of Court, and defending a suit in. *Prima facie*, I am sure this requires them to do both one and the other. Whether these annual conferences ought or ought not *in foro conscientie* to have acceded to the recommendation of the General Conference is not for these defendants to consider. Whether, if they had done so, it would have answered the purposes at large, I shall, perhaps, have occasion to consider in the progress of this discussion. But until they have done it, surely, surely we hold the fund still under the old trust of half a century ago, according to which this property has been administered as a sacred thing, without the interruption of a moment to this hour, on the faith of a religious and consistent interpretation and administration of which scores, hundreds, thousands have lived, and laboured, and died, or live and labour still, within the vineyard and bosom of the Methodist Episcopal Church, and which we do not admit, as I understand, to be modified or displaced in the slightest degree.

Of the nature of that fund, and of the character of the rights of the beneficiaries in it, I shall have occasion to speak very much at length in the progress of this debate. Enough now, and for the defendants of record, that it exists, and that, according to that very Plan, but for which these plaintiffs upon their own concession are only a mass of disconnected seceders, it is our bounden duty to everybody so to keep, and guard, and administer it, until the annual conferences, or the supreme authority of this tribunal, shall ordain a different disposition of it.

So much for the defendants of record. But what shall I say of the beneficial and larger part of the Methodist Episcopal Church behind? Is their attitude a graceful one, assenting to the division of the Church, and yet not assenting to a division of the funds? In the first place, the Court will perceive when we have advanced a little further in this argument, that we do not admit that the Methodist Episcopal Church—that old, grand, well-compacted, and once beautiful community, designed by its Creator, by Wesley, and by the generation of Wesley, for a duration on earth without end—is dismembered legally and totally. We do not even admit that it has been dismembered *de facto* and by secession permanently. We know very well, what we will call for convenience in the progress of this discussion, secession *de facto*, has taken place—a secession, improvident, needless, and never sufficiently to be deplored; and creating I know not what extraordinary and anomalous relations between the seceder and the Church. But we have not yet renounced the hope,—I, personally and professionally, at any rate, however it may be with my clients and associates, have not yet renounced the hope, and spare me if you may to cherish the grateful error still, that when your Honours shall have pronounced this secession unauthorized in matter of law, as well as unjustifiable, perhaps, upon the circumstances

in point of fact in which it occurred,—I have not renounced the hope that the sober second thought may supervene, that the old instincts of the Methodist community may come again into activity, that in the language of the Louisville Convention, for whose parting words of kindness I, for one, stand here to thank them, some plan of reunion may yet be proposed by the wisdom and Christianity that still enrich this Church, whereby it may to a considerable extent be reunited, whereby it may to a considerable extent become the same old Church again, and shine with something like the brightness of its rising. That hope, for one, I have not yet relinquished. Peradventure, if this step which the plaintiffs have taken shall turn out to be unprofitable as well as devious, it may be the easier to retrace it. Many times, I remember the historian tells us, many times the alienating states of Greece had all but made up their minds to discontinue the common consultation of the Oracle of Delphi, and seek for the will of Jove in divers local temples, had not the impracticability of partitioning the treasures which the piety of so many generations had gathered on the charmed neutral ground, necessitated a salutary delay. So, possibly, may it be here.

Allow me to make another observation or two entirely preliminary to the consideration of the merits of this case. The complaint here at last must be, before this forum and before the outer forum, that the annual conferences have not adopted the recommendation of the General Conference, and have not concurred in the rescission of the restrictive article. Will our friends of the South take a little time when they go home, and inquire whether the South has not it to answer for itself? I do not know that if I should pause I could establish it by these proofs in every particular as I shall assert it, but I do aver, that when the annual conferences, in 1844 and 1845, began first to vote on this recommendation, the first votes that were thrown were such as led every man to believe that it would have been adopted; and it was only because the temper of the South began to be so warm, and so high, and so exasperating, that these hopes were, I believe, to the regret of a great majority who were either observers or concerned, wholly overcast. One thing I know, and that is, that the first conferences that voted—I mean the New England and the Northern conferences generally, from which the greatest opposition had been anticipated—voted favourably; and when the time came for conferences from whom less opposition had been anticipated, there was an unexpected and scarcely intelligible turn and change of opinion. It will be for your Honours to infer what may be the explanation of the indisputable fact. I apprehend if the South would take time and revise those publications with which her secular and her religious press were teeming through the summer, and autumn, and winter following, the explanation might there be found. To show that the suggestion is not wholly imaginary, I think I am able to find some proofs in the very evidence which the plaintiffs have introduced, in the proceedings of the annual conferences of the South, which resulted in the calling of the Louisville Convention, where I find the temper of the Southern press recorded, exposed, and proved. Here, for example, on page 13 of the 2d of the *Proots*, in the Missouri Conference, it was

“Resolved, That we have read with deep regret the violent proceedings of some of our Southern brethren in the primary meetings, against some of our bishops and others.”

They “have read with deep regret.” Again, in the proceedings of the Arkansas Conference I find the following:—

“Resolved, That, though we feel ourselves aggrieved, and have been wounded, *without cause*, in the house of our friends, we have no disposition to impute wrong motives to the majority in the late General Conference, and no inclination to endorse those vindictive proceedings had in some portions of the South, believing it to be the duty of Christians, under all circumstances, to exercise that *charity which beareth all things*.”

I could read more ; but I have read enough, I think, to convey my meaning, and read enough to establish my suggestion. Your Honours will judge what the temper must have been that induced such observations, and will easily appreciate its probable or its inevitable influence upon the North.

Let me say one thing more, and I come nearer the merits of the case. Was there not, at the time of the General Conference of 1848, a still subsisting Methodist Episcopal Church, although that Conference deemed itself obliged to pronounce the proceedings of the Conference of 1844, as to the Plan of Separation, a nullity from beginning to end ; partly because the annual conferences had not adopted its recommendations, but also on larger and broader grounds, to which I shall make allusion in a moment ? Your Honours will find that nevertheless, on page 95 of the journals of that Conference, (and the reference has been made to the Court,) they proceeded to provide for an amicable adjustment of this great controversy by arbitration. The Court will find there, in much detail and particularity, directions given to their agents to prefer an arbitration of the cause to the gentlemen representing the South, if, by the advice of counsel, they should ascertain that it could be legally and properly done ; and if it could not be legally done, they were to proceed to submit the matter to the annual conferences in succession, to obtain their consent. That matter was submitted to the annual conferences, their assent was in the course of being rapidly and warmly given, when they were interrupted by the institution of this suit. I submit, then, that it is no fault of ours that this cause comes on to be heard and determined here to-day under the strict principles of law and equity, instead of being committed to a tribunal where the strict principles of law and equity might be tempered by the delicacies of the extraordinary crisis. I have hesitated much in determining whether or not I ought to say anything, and in what connexion and how much I should say upon the question, whether either of these parties here before the Court, and which of them, may be thought to be in any degree of fault *in foro conscientia*, or otherwise, for the dismemberment of the Church. I am bound in candour to say in advance, that it seems to me to be too remotely connected, under any respect, if at all, with the real merits of the case ; and yet it is so far connected with those merits under certain views, that I do not know that it can be altogether dispensed with as a consideration to be adverted to. This consideration is very remotely, if at all, connected with the merits of the case ; for whether the proceedings of the General Conference of 1844, touching Bishop Andrew, were competent or expedient or not, and even if they were neither competent nor expedient, yet, beyond all manner of controversy, unless this Church was divided in twain by a body constitutionally competent to so transcendent an act, unless every condition of the Plan of Separation has been performed, unless the annual conferences have in point of fact acceded to the recommendation of the General Conference, and rescinded the restrictive rule, I do not see how the plaintiffs can by possibility maintain themselves on this bill. On the other hand, if that Church has been divided by an authority constitutionally competent to so great an act, if the conditions of the Plan of Separation have been severally complied with by the annual conferences, then I agree that the plaintiffs are entitled to recover, however causeless, and however deeply and forever to be deplored, however severely to be condemned by morality and by patriotism, was the act of secession itself. Therefore, I think the Court is not called upon directly to discharge the very delicate office of inquiring on which rests, mainly or at all, the blame in this business. Yet I hope your Honours will indulge me when I proceed to say that I cannot tacitly admit that the party I represent here has been in the least degree in fault for this transaction.

I cannot, either as a citizen in the most private capacity, or as a professional party

in this cause, admit that this has been the result of an inevitable moral necessity. I do not believe in the suggestion which we find so liberally scattered through the defence, and of which so much has been said by my learned friend, that the dismemberment of this Church has been the result of an invincible or an inevitable moral necessity. Why, excellent good reasons have been given why the Church should be dissolved, if not now, hereafter; excellent reasons have been given why, on account of the great extent of country, and the difficulty of traversing it by the itinerant superintendent organism, it should be dissolved; reasons why it should be dissolved on account of antagonisms on the subject of slavery. Reasons have been given for this dissolution. So reasons may be given, and good reasons may be given, why everything should be dissolved; why the Union, the larger secular Union that embraces them all, should be dissolved; why the solemn temples and gorgeous palaces of the globe itself should be dissolved. To what catastrophe the progress of events might have, some time or another, carried this Church, or may carry anything; to what sea, shoreless and bottomless, and lighted by no sun, the stream of progress might have borne the Church, or may bear the nation, nobody of course can be certain that he knows. But I do submit that the dismemberment of this Church, as it actually happened, in the time, under the circumstances, and for the reasons, on that day when it happened, was causeless and needless, as well as deplorable in the highest degree. Is it not *pessimi exempli* that we should allow persons standing in a public capacity to trace the consequences of their own acts, and the work of their own hands, to the finger of Providence?

May it please your Honours, the will, and reason, and Christianity of one generation made this Church; the will, and reason, and Christianity of another generation might have kept it together. One ten-thousandth part of the ability of speech and pen, and one ten-thousandth part of the piety, and patriotism, and morality, by which in both its sections it has been enriched, could have held it together; and I say should have been required to hold it together, until the kingdoms of this world should become the kingdoms of the Ruler of kings. I do not admit then, in the first place, that there is no fault anywhere in the division of this Church; and I do not admit that that fault, any appreciable portion of it, rests with us.

I know the prodigious ability by which I am to be followed. I am a unionist, as my learned friend is a unionist, to the very last beat of my heart. I deplore this as few can deplore it; but it is before your Honours; I am called upon to examine it in the course of my professional duty. I meet it, and mean to meet it, directly in the face. I therefore respectfully submit:—1st. That the separation has not irrevocably happened; 2d. What has happened has not been the result of a blind and over-ruling necessity; 3d. If there have been moral faults, they have not been ours.

We cannot of course take one single step in this discussion without pausing to see on what ground it was that the minority in the Convention of 1844 declared their judgment of a necessity of a separation. We cannot advance one step, as I apprehend, in the attempt to appreciate the true origin of the controversy, or the responsible authors of it,—or the responsible participators in it,—until we ascertain the precise ground on which the minority, looking the majority in the face, apprized them why they initiated here in New-York the proceedings of separation which were consummated by the Convention at Louisville.

It is perfectly clear that the main ground on which they took this step and announced their purpose of accomplishing it, was the proceedings of the Conference of 1841, in the matter of Bishop Andrew. That was the main, and substantial, and prominent ground on which they then and there declared their purpose to effect a separation. I know very well that now all manner of reasons are given, and may

well be given, and have forcibly been given. But it is now we hear it said that the country has grown a great deal too large. We hear it said now that irreconcilable antagonisms were being developed in regard to freedom and slavery. We hear it said that moral necessity has intervened and has done this work. The question which I put to the Court however, is, what reason the minority gave in that Convention that day before the act was irrevocably done, whilst it was still within the control of the majority, while they might have tempered it, receded from it, abandoned it, while both sides still held it under their own control a great trust for the nation? The question is, I contend, What is the reason the minority then, looking the majority in the face, assigned for the act of separation on which they were about to enter? And I respectfully submit, that when your Honours come to sift that, and sift it carefully upon these proofs, you will find that it rested on the action of this Conference, whose whole action, as I shall only have too much pleasure in showing the Court, down to that time, had been marked uniformly by conciliation, by conservatism, by a parental and equal regard to the feelings and interests and sentiments of every section of the country, touching the case of Bishop Andrew. That was the main cause assigned by the minority; and that I may leave no doubt about that, let me call the attention of the Court to No. 1 of the proofs, p. 97, where we find in their own declaration, under their own hand, the reasons assigned. One or two others are assigned, but I submit most respectfully, as I shall attempt to prove, that these are reasons of no importance at all, and that it comes at last to the proceedings against Bishop Andrew. But I will read it exactly as it stands:—

“The delegates of the conferences in the slaveholding States take leave to *declare* to the General Conference of the Methodist Episcopal Church, that the continued agitation of the subject of slavery and abolition in a portion of the Church,” (that is one reason,) “the frequent action on the subject in the General Conference,” (that is two,) and *especially* the extra-judicial proceedings against Bishop Andrew, which resulted, on Saturday last, in the virtual suspension of him from his office as superintendent, must produce a state of things in the South which renders a continuance of the jurisdiction of this General Conference inconsistent with the success of the ministry in the slaveholding States.”

Laying that aside for a moment and turning to the Discipline of this newly-organized Southern Methodist Episcopal Church, constructed, as it seems, much more deliberately a year or two afterwards, I find them there reciting, *totidem verbis*, the same three reasons, the leading one of which is the proceedings against Bishop Andrew.

If the Court choose to pursue that inquiry a little further, I refer to the proceedings of the annual conferences of the South, which have been put in evidence as among those proceedings which led to the call of the Louisville Convention, and ultimately to the separation. Your Honours will be struck with the fact, that, with the precision of stereotype, they repeat one another right over again, almost from New-York to the Gulf of Mexico. By reading in our Proofs No. 2, we find that they abandon every cause of separation but the proceedings against Bishop Andrew and Mr. Harding; that of fourteen annual conferences, five forgot the case of Mr. Harding altogether, and confined themselves to the case of Bishop Andrew; so that, in point of fact, it is nothing in the world but just this: That these conferences take up the declaration published by the minority, drop the first two causes therein alleged for the separation, and lay hold upon the proceedings against Bishop Andrew, some of them adding to it the proceedings against Mr. Harding, and then away it goes, the mere echo from this city of the cry beginning here—an echo running without the *vires acquirendum*, for it loses rather than gains as it goes, until it dies in the Gulf of

Mexico. There, before the majority, and here before this Court, stand the reasons on which the Methodist Episcopal Church was severed by its guardians.

I have now to ask your attention back again with a little particularity, I hope not too much detail, to the reasons in the declaration of the minority themselves; and I proceed, in the first place, with great brevity to eliminate, to throw out, the first two, in order that I may, if I can, conduct the judgment of the Court to discern that it is Bishop Andrew, and nothing but Bishop Andrew, upon which this Church was at last dissolved. Your Honours will observe they give three reasons. I turn back to page 97. In the first place, they declare as one of the causes "the continued agitation of the subject of slavery and abolition in a portion of the Church." "The continued agitation of the subject of slavery" in some of the Northern conferences—that is a reason for which a minority propose to dissolve the Church. The agitation in a portion of the Northern conferences, I shall show to the Court, created no more difficulty for the South, carried no more menace to the South, endangered the rights of the South no more than the idea that Lake Winnipiseogee up in New-Hampshire at the next change of the moon will overflow its banks and lay the cotton lands of South Carolina under the water; not a particle, not a particle in the slightest degree. To be sure there had been local agitation in the Northern conferences; there is local agitation everywhere, and the sky is not at all the clearer or the purer for it. How stands the fact here? I do not go beyond the proofs before the Court. How stands the matter of local agitation in the Northern conferences? Of course nobody supposes that I am here to defend it; but I am not here to see it overstated, and such consequences as the taking down of a structure built for immortality on earth deduced from it, without giving our commentary. How stood that matter? Here began an agitation in our conferences. After having aired the local vocabulary and breathed through the local lungs as long as it could before it came here in 1836, it met with a dignified rebuke by the General Conference, and went home for a time. That was in 1836. It came here again in 1840, upon a petition of O. Scott and others, and was met in a very admirable manner, and with the same decisive result, and back it rolled again; and those very petitioners, to whom Mr. Lord has referred, O. Scott and others, went back and seceded from the Northern annual conferences, because although they found them in a certain sense, anti-slavery conferences, they found them Methodists, they found them Unionists, they found them true to the discipline, and order, and the preservation of the peace of the Church, and, through the Church, of the larger interests which surround the Church, if there are larger interests than those of the Church. They seceded, and the local conferences had rest.

I now propose to submit to your Honours that, upon a view of these facts, we have in 1840, and again in 1844, under the hands of the bishops themselves, reporting the condition of Methodism to the General Conference, proof of everything I have said, and conclusive proof, that although there had been some local agitation, though there were some exceptions to the general fact, the general condition even of New-England Methodism was calm, and quiet, and steady. I call your attention, in the first place, to an "extract from an Address of the Bishops to the General Conference of the Methodist Episcopal Church."—

"It has been the constant aim and united endeavour of your general superintendents to preserve uniformity and harmony in these respects; and, as far as practicable, prevent conflicting action in all the official bodies in the Church. But although we record with unfeigned gratitude to the God of all grace and consolation, the general peace, and harmony, and prosperity of the body since your last session," (what more can you say of the general human condition anywhere than this?) "it becomes our painful duty to lay before you some exceptions to this happy and prosperous condition."

So then the general prosperous, peaceful, and harmonious condition of the body is the great fact for which they thank God; and it is only the exceptions to that on which they proceed to observe. And our secular Union would not last long if general contentment, general peace, general harmony, would not testify it. If because there is a "Shay's insurrection" in one State, and a ripple here and there floats over the surface, the Union is to be taken down by the patriotism of this land, surely, surely it is not the creation forever which we had the dream it was.

Let me pursue now the course of this address throughout the address, and I will verify from it exactly what I state. There had been some exceptions, some of what we may colloquially call "flare-ups," here and there, and had met, not the breakwater of the Baltimore Conference, but the breakwater of the General Conference, which had rolled them back. The bishops say there were some exceptions to this prosperous condition. Then they go on :—

"At the last session of the General Conference the subject of slavery and its abolition was extensively discussed, and vigorous exertions made to effect new legislation upon it. But after a careful examination of the whole ground, *aided by the light of past experience*, it was the *solemn conviction* of the Conference that the interests of religion would not be advanced by any additional enactments in regard to it.

"In your Pastoral Address to the ministers and people at your last session, with great unanimity, and, as we believe, in the true spirit of the ministers of the peaceful Gospel of Christ, you solemnly advised the whole body to abstain from all abolition movements, and from agitating the exciting subject in the Church. This advice was in perfect agreement with the individual as well as associated views of your superintendents. But, had we differed from you in opinion, in consideration of the age, wisdom, experience, and official authority of the General Conference, we should have felt ourselves under a solemn obligation to be governed by your counsel. We have endeavoured, both in our official administration, and in our private intercourse with the preachers and members, to inculcate the sound policy and Christian spirit of your Pastoral Address. And it affords us great pleasure to be able to assure you, that our efforts in this respect have been very generally approved, and your advice cordially received and practically observed in a very large majority of the annual conferences, as will more fully appear to you on the careful examination of the journals of those bodies for the last four years. But we regret that we are compelled to say that in some" (exceptional, it will be perceived) "of the Northern and Eastern conferences, in contravention of your Christian and pastoral counsel, and of your best efforts to carry it into effect, the subject has been agitated in such forms, and in such a spirit, as to disturb the peace of the Church. This unhappy agitation has not been confined to the annual conferences, but has been introduced into quarterly conferences, and made the absorbing business of self-created bodies in the bosom of our beloved Zion."

The bishops then go on to indicate the garb under which this presents itself, and then express the opinions of wise men as to its character and tendency. On page 60 they come to the great result in point of fact :—

"It is justly due to a number of the annual conferences, in which a majority, or a very respectable minority, of the members are professedly abolitionists, to say, that they occupy a very different ground, and pursue a very different course, from those of their brethren who have adopted ultra principles and measures in this unfortunate, and, we think, unprofitable controversy. The result of action had in such conferences on the resolution of the New-England Conference, recommending a very important change in our general rule on slavery, is satisfactory proof of this fact, and affords us strong and increasing confidence that the unity and peace of the Church are not to be materially affected by this exciting subject."

So, then, without advancing a step further, it is all narrowed down to this : a single conference, the New-England Conference, proposes an important change in the

general rule on slavery ; that is submitted to conferences, a majority of whose members are actually abolitionists ; and even these conferences, a number of them—so many that their example is cited as satisfactory proof of the fact, that the peace and unity were not to be seriously affected—so many even of the abolition conferences disapproved the change proposed, that the bishops are relieved, as they declare, from all possible apprehension of difficulty from that source. The bishops go on to say :—

“ It is believed that men of ardent temperament, whose zeal may have been somewhat in advance of their knowledge and discretion, have made such advances in the abolition enterprise as to produce a reaction. A few preachers and members, disappointed in their expectations, and despairing of the success of their cause in the Methodist Church,” (surely they were the best judges of what success the Church promised to their enterprises,) “ have withdrawn from our fellowship, and connected themselves with associations more congenial with their views and feelings ; and others, in similar circumstances, may probably follow their example. But we rejoice in believing that these secessions will be very limited, and that the great body of Methodists in these States will continue as they have been—one and inseparable.”

If that continued to be the state of the Church down to 1844, I ask whether it is possible to attach any weight to the reason which stands first in the declaration of the minority in this case, that is, the continued agitation in the local Church ? Now, there is not a solitary particle of proof in this case, that from 1840 to 1844 the local agitation increased in the slightest degree. In 1840 the bishops say they had substantially encountered and suppressed it. In 1840 they had so far suppressed it that they believed the peace and unity of the Methodist Church was quite sure not to be seriously endangered by it ; and that state of things, so far as there is a scintilla of evidence in this case to control it, remained, by the mercy and blessing of God, down to 1844. Yet then, when a foregone conclusion was to be adopted and vindicated by a manifesto, our brethren of the South suffered themselves by habit to take up and repeat again the cry of local agitation on the subject of slavery in the Methodist Church. To show that this does not rest altogether on the mere absence of proof, on the part of the plaintiffs, to show that this agitation went on increasing in the meantime, I have the pleasure to call attention in this immediate connexion to a portion of the address of the very same bishops, including Bishops Andrew and Soule, and every Methodist bishop of 1844, to the General Conference of 1844. It is to be found on page 131 of the 1st of the Proofs. They are dealing with another subject, speaking *diversa in toto*, and sum up in the fulness of grateful hearts and intelligent official superintendents, the condition of this Church. They say :—

“ In this happy state of things, embracing all the essential elements of the voluntary principle, the ministers dependant upon the people whom they served in the Gospel word and ordinances, and the people united to their ministers by the bonds of affection and esteem, the work of the Lord steadily advanced ; new and extensive fields of labour were constantly opening before us ; the borders of our Zion were greatly enlarged ; and thousands and tens of thousands were brought under Divine influence, and joined in the communion of the Church. The events of each succeeding year have afforded additional proofs of the soundness of the system, and of its adaptation to the ends for which it was designed.”

I submit that we show that the first reason assigned by the minority in their Declaration of reasons why a state of things would be produced which would render a separation necessary, is totally unsupported in matter of fact, and that I shall have no difficulty, as I believe I shall have none, in satisfying the Court that the single reason at last was the action upon the case of Bishop Andrew.

The second reason which they assign is, on the facts of the case, stranger still—

“the frequent action on that subject in the General Conference.” Why was it so much a question whether there had been frequent action on this subject in the General Conference, as what that action had been? And will it not almost astonish the Court when they come to see, upon a review of the evidence to which I will ask their attention, that although the action of the General Conference had been somewhat frequent, yet it had been eminently—I may say admirably—all the while the most calm, conservative, parental, and discreet that ever marked the action of any administrative body under any system, ecclesiastical or political, on the face of the earth; that it had been from beginning to end, I mean over the period to which the remarks of the declarant minority apply, nothing less and nothing more than an anxious desire to stand on the old path, to administer the old discipline, to respect every local sensibility, and to preserve the spirit of unity in the bonds of a universal peace. Let us see if it be not so; and for the proofs of it I need not go beyond fifty or one hundred pages of the evidence which both parties have united in laying before this Court. There had been frequent occasions for the action of the General Conference upon this subject, for which they were not responsible. I have already stated, in addressing myself to the subject of local agitation, the fact that as early as 1836 local agitators sent their petitions to the General Conference, asking for new legislation on the subject of slavery. I have once read, but it is so much to my present purpose that I hope your Honours will indulge me in reading it again, how that effort in 1836 was met by the General Conference. At the opening of the Conference in 1840, the bishops in their address say (page 58):—

“At the last session of the General Conference the subject of slavery and its abolition was extensively discussed, and vigorous exertions made to effect new legislation upon it. But after a careful examination of the whole ground, *aided by the light of past experience*, it was the *solemn conviction* of the Conference that the interests of religion would not be advanced by any additional enactments in regard to it.”

This General Conference, whose “frequent action” on the subject of slavery was to lead to a dissolution of this Church, opens the series of its action, on which it is this day to answer before this tribunal, by resolving, as far back as 1836, that, aided by the light of past experience, it was their solemn conviction that the interests of religion would not be advanced by any additional enactments on the subject of slavery. They had occasion to act again. In 1840, O. Scott presented it on behalf of an annual conference whom he represented. About that same time, or rather in the interval between 1836 and 1840, our admirable Wesleyan brethren in England, for the purpose of showing how indissoluble the tie of Methodism always remains, came here, in the true spirit of an uninstructed and mischievous foreign philanthropy, with their suggestions upon the subject of our slavery. And again, during that same interval, from 1836 to 1840, some difficulty arose in one of the annual conferences as to some proceedings in Westmoreland, Virginia. On all these occasions, as well as on the particular occasion to which I have made reference from the bishops’ address of 1840, the General Conference was called upon to act. I shall not go particularly into that subject, although it would give me great pleasure to do so, and I should find from it a refutation, the most brilliant and perfect, of the suggestion, that the frequent action on this subject by the General Conference afforded any ground for uneasiness or separation on the part of the South. Yet I can only leave it to the Court, with an earnest entreaty that in judging of these last days of the session of a General Conference of a united Church, they would read—I am sure as evidence it is important that it should be read, and as instruction on the general case, I am sure it is not undeserving the attention of the Court—the address of the bishops in 1840,

the reply to the British Wesleyan Conference in 1840, the report upon the proceedings on the Westmoreland petition, also in 1840; all bound in this book, a series entire, and making up the record of the last days of that body. I submit that the result is beyond a solitary particle of doubt, as I have before said that it was, eminently calm, and conservative, and just. I am constrained to say, but I say it with regret, that when the minority put into their Declaration the frequent action of the General Conference on this subject, as a reason why they should quit us, it is a reason against a parental hand, that down to that instant had done nothing in the world but distribute the paternal goods, and the paternal heart, with an equal and just impartiality, upon all the objects of a common love. I strike that reason, then, out of the Declaration.

The case of Mr. Harding, as your Honours will observe, is not mentioned by the declarants. It is not mentioned in the Discipline of the Church, South, as a case on which the separation was effected. I believe, in matter of fact, that it was not even a subject of protest in the Conference of 1844. In that very powerful paper, which was read so emphatically and so well the other day, which is called "the Protest," there is not a word in relation to the proceedings against Mr. Harding. Therefore, perhaps, I need hardly pause here for a moment, even to throw that element out of this general controversy. Yet it would hardly do to leave it unnoticed in these general reasons. I do not intend to say one word upon the point of law; that I refer to my eminent associate. But morally, what is this Harding case? Exactly and merely this: There is, and has stood on the Discipline of this Church for I know not how many years, but nearly coeval with its origin, that if a person hold office in the Church in a State in which emancipation is legally practicable, he shall be suspended from his office until he emancipates his slaves. It seems that under that rule Mr. Harding's was a case of having become the holder of slaves and of living in a State where emancipation was practicable. He belonged to the Baltimore Conference. The Court knows that it is a settled rule of discipline of this Church that every preacher, under the degree of bishop, is tried by the annual conference to which he belongs. This gentleman was tried by his own conference, convicted by his own conference, and suspended *durante impedimento*. He appealed to the General Conference of 1844, and they approved the decision of the Baltimore Annual Conference. That is the Harding case. Without entering into an inquiry whether here was or was not a mistake in a matter of law—and I am assured that emancipation is legally practicable in the conference in which he lived, that it is achieved there without scandal or difficulty, although that may be a subject upon which there is divided professional opinion—I ask your Honours if it be competent to the minority to stand before the majority, and before the Church, and before this higher tribunal, and allege such a trial and such a conviction as that gravely as a reason for the dissolution of such a union as this. Suppose it a mistake in point of fact and law. Suppose, if I may take an illustration which my learned friend employed the other day not exactly in the same way, that a Judge of a Circuit Court pronounces a decision, it is carried to his brethren of the Supreme Judicial Bench, and affirmed, and thereupon a local community becomes exasperated, and declares itself aggrieved, and is to dissolve the Union. Is it a case for the dissolution of the Union, admitting a mistake in fact, and a mistake in law? Is an exasperated local constituency an admirable judge of law and fact? Is that one case of a conscientious error in the judgment of conscientious men to shake down pillars that ought to reach the centre, and support capitals that should sparkle in the skies? Is that a reason which is to stand here or anywhere? Would the historian of this more than Council of Trent, when he comes to write its history, recognise its title to be so considered? What harm did the decision in Mr.

Harding's case do anybody? Did it menace the safety of any preacher in the whole South? Certainly not at all. The position of the Baltimore Conference is somewhat anomalous. My friend says, they call themselves the Breakwater Conference. They are on the frontier. Part of them are in free States and part in slave States. Their position is anomalous, their feelings intense, and their action sharply marked and characteristic. But every preacher in the Southern country, who stands from off the frontier line, reposes in safety, as a child in arms, within the circle of his own annual conference. Therefore, to get up an alarm and pretend that any man's safety was endangered, from here to the Gulf of Mexico or the Pacific ocean, in the least degree, by the decision of a local conference on the case of Mr. Harding, is simply an extravagance of falsehood. For the practical judgment of this Court, the only view of it would be to treat it as evidence that a body of men in a General Conference—a Conference of which I have had the honour to say that for the last six, ten, or twelve years it had been building a monument of fairness, and justice, and impartiality in its administration at every step, and whose monument the plaintiffs have united with the defendants in asserting on these proofs—for the very first time in its administrative life, made a mistake of law and fact, and the union is to be dissolved on that account. God have mercy on and take care of all unions, the larger and the less, if such reasons as these can be assigned for their dissolution. Nothing human can stand, no ordinance of man can stand if anything can be made out on such ground as this.

Did this declaration of the majority, when they came to look their brethren in the face, observe and present a moral and absolute silence upon the case of Mr. Harding? Very well, indeed, was it when the Southern Church came to construct their Discipline, and prefix this manifesto of the causes of separation to the articles of their common and substantially sound faith,—very well: was not everyone of them totally silent on the case of Mr. Harding?

I lay that aside, and submit to the Court, with entire and perfect confidence, that we stand this day to be judged alone for our proceedings in the matter of Bishop Andrew; and if we are guilty in any degree of having contributed to the dissolution of this union, all that we have done—"the head and front of our offending hath this extent, no more"—is the proceedings in the case of Bishop Andrew. That is all. I now have to call the attention of the Court with great confidence, in some little detail, under a conscientious conviction that I have a duty not very interesting, and yet important to perform, to the proceedings of the General Conference in the matter of Bishop Andrew, and the grounds upon which they stand.

The first question is, what those proceedings were? For the first time in the trial of this case, I am going to bring these proceedings altogether under one view. I have not yet heard them read altogether by anybody. The first branch of them is to be found on p. 92, of the 1st of the Proofs, and the residue of them—quite as important—on p. 124. I believe I have satisfactorily evinced to the Court, that the action of the General Conference on the case of Bishop Andrew, was the sole ground on which this secession was declared and achieved. I wish to know, whether such a proceeding affords the least particle of justification in any aspect for secession. On p. 92 of the 1st of the Proofs, the Conference resolved,—

"Whereas the Discipline of our Church forbids the doing anything calculated to destroy our itinerant general superintendency, and whereas Bishop Andrew has become connected with slavery by marriage and otherwise, and this act having drawn after it circumstances which, in the estimation of the General Conference, will greatly embarrass the exercise of his office as an itinerant general superintendent, if not in some places entirely prevent it; therefore,

"*Resolved*, That it is the sense of this General Conference, that he desist from the exercise of his office, so long as this impediment remains."

I proceed to p. 124, and find,—

“*Resolved*, As the sense of this Conference, that Bishop Andrew’s name stand in the Minutes, Hymn book, and Discipline, as formerly.

“*Resolved*, That the rule in relation to the support of a bishop, and his family, applies to Bishop Andrew.

“*Resolved*, That whether in any, and if any, in what work, Bishop Andrew be employed, is to be determined by his own decision and action, in relation to the previous action of this Conference in his case.”

There it is at last a whole. There at last is the deliberate and reconciled judgment of an embarrassed body acting doubtless in a case of great perplexity. The first question upon this proceeding would naturally be, whether or not the General Conference had the constitutional power to pass any such votes as these. To decide that, the first thing to be done is, I think, to ascertain what this vote is. This case of the separation and dissolution of this Church, opens with the extraordinary fact, about which there is no controversy at all, that this entire South has gone off in a body, and the hopes of the men that created this structure, so far as they have been disappointed, were disappointed and frustrated upon a vote as to the meaning of which the South cannot agree, as to the meaning of which the North cannot agree among themselves, as to the meaning of which the South and the North are irreconcilably divided among themselves to this day, and as to which no two persons that I ever had an opportunity of conversing with in my life, were agreed. That is the first great fact in this case. They have gone off on a vote perfectly unintelligible to any two persons to whose judgment I have ever submitted it. As well as I remember it, the old doctrine of nullification was to require that there should be no nullification unless, among other things, the unconstitutionality of an act should be palpable, as well as very violent. It must be a palpable unconstitutionality; and the first great difficulty here is, that instead of the act being a palpable unconstitutionality, it is an act unintelligible, and upon which there remains to this hour an irreconcilable diversity of opinion among all men. My learned friend, who preceded me, called it evasive and queer. If it is evasive and queer, it would hardly seem to be reason enough for dividing the Methodist Church. I think I can see many reasons why this might be termed ambiguous or perplex, but not why it should be designated evasive and queer, without any objectionable motive upon which to base the charge of evasiveness and queerness.

The Conference was embarrassed how to act on the case. A great diversity of opinions had to be brought together, and to be reconciled. The case was perfectly old in point of principle, although novel in its circumstances. A great deal of feeling came to be developed. There was a conscientious conviction that something should be done. Every man prayed to God to be guided. There was a general conviction, that something should be done, which, while it should spare the feelings of an aged bishop, should be effectual, and should satisfy men in every region; so that they might be able, under the embarrassment of the crisis, and the embarrassment of the moment, to put some record on the files of this Church, and yet to do no act of unkindness and harshness. Therefore, their action was not marked by the sharp and well-defined lines of tyranny. Tyranny and headlong fanaticism make deeper marks than these. They write their lines sharp and keen, and there is no mistake as to their meaning. It is because they were neither fanatics, nor abolitionists, nor tyrants, but Christian men, members of a Christian Church, solicitous mainly to keep the Church of their love together, yet called upon to keep that Church together in circumstances of great and extreme character,—it was in consequence of these embarrassments, that they reconciled themselves to this proceeding. These considerations may not have their full influence on those who do not have to

act on such a crisis. Yet, how any man, how any minority of men, should have found in it a *casus belli* of such transcendent magnitude, I am sure, on these proofs, I have never been able to explain.

What is the meaning of the vote? Upon that question there are two schools, consisting of a million of people. All agree, in the first place, that this vote did not design to remove, nor attempt to remove, nor suspend, nor attempt to suspend Bishop Andrew from the office of bishop. I pray the attention of the Court to that to begin with. This vote does not pretend to suspend him from the office of bishop; it does not ask him to suspend himself; it does not advise him to do so. It leaves him a bishop as before. The resolutions to which I last called attention leave his name standing affectionately, not derisively as my learned brother seemed to suppose, on the record of the Minutes, the Hymn book, and Book of Discipline, as formerly. They resolve that the rule for the support of a bishop and his family still applies to Bishop Andrew, and that in any, if in any, work he be employed should be determined by his own decision, having reference to the previous action of the Conference.

So then it is not true that they remove him from the office of bishop, or suspend him from the office of bishop, or advise him to suspend himself from the office of bishop for half a minute. When my learned brother supposes that they left him in such a position, that the little children in the Methodist Church, every time they sung their hymns, would look inquiringly for Bishop Andrew, and thus subject him to a good deal of pain and distress, I think he misconceives the matter altogether, and does not allow his own heart to judge for him in regard to it. They left his name in the Hymn book for this reason: that Hymn-book is one of the muniments and records of the history of this Church; and they leave his name in it, so that whoever gathers the history of the Methodist Episcopal Church from this record of its biography, shall find that he was a bishop. The result is, if I may so express myself, that this light temporary cloud which came over his reputation shall be interred with his bones, but his fame and the name he bore should live after him. That is what is to be understood by this vote of the Conference; not that he should be laughed at by little children, but that he should be honoured by generations of men and women yet to come.

What are the two schools as to the meaning of the proceedings against Bishop Andrew? One class holds, that these proceedings amount to a mere opinion and wish that he would, *durante impedimento*, suspend the exercise of the duties of the office of a bishop, taking into consideration local excitement, having regard to the recorded doctrines of this Church on this matter, having regard to the ancient and general course and practice of the Church touching the connexion of the episcopacy with slaveholding. This class, both at the North and South, to this day, hold these proceedings to be nothing more than an opinion, that *durante impedimento* he should retire from the duties of his office, but nevertheless referring it, in the most explicit terms, to his own judgment and conscience, whether he would do so or not. That opinion is now held by many at the South; and perhaps the Court will be astonished when I bring it to their knowledge, that this very bishop himself, together with his associate and compeer, Bishop Soule, construed these resolutions as referring it entirely to his own judgment and discretion, whether he would perform the duties of the office of bishop or not, leaving him as much a bishop as ever. Under that view of the meaning of that proceeding, his associates in the episcopacy actually did proceed to assign him the ordinary episcopal duty in the summer or autumn of that year.

Your Honours will find the proof of that in Book No. 1, p. 141, and Book No. 2, p. 86,—both documents, I believe, written by the very able and energetic Dr. Bascom, to whom reference has been made, and certainly written with great ability, and embodying in all its strength the *gravamen* of the complaints of the South. Thus we

find that it is the opinion of prominent Southern gentlemen, that the entire action of the General Conference on this subject amounted to no more than a mere wish, founded upon an opinion, that he would abstain on account of a temporary impediment, from a discharge of the duties of the office of bishop—and not from the office of bishop—and that was referred so absolutely to his own judgment and discretion, that, upon their own responsibility, they persuaded him to go to work. If your Honours will be kind enough to look at Proofs No. 1, p. 104, you will find that a portion of the North always held the same construction. There you find the same writer of the same pretty powerful protest against this proceeding, which was read the other day by one of the clients of my learned friend, dealing with this explanation of the matter by the North. He controverts it; but recognises that this interpretation exists.

On the other hand, some regard this as a command. What sort of a command that may be regarded, when he who commands notifies to him, *uno et eodem flatu*, that he is expected to do exactly as he pleases, that no penalty is to be attached, in any form or shape, to his disregarding the command, I have not the organs to comprehend. I therefore respectfully submit it was nothing, at last, but a mere dispute about words between the two schools; and that it is nothing but a strong opinion, and an ardent, urgent wish, under the circumstances, by the Conference to the bishop, that he would yield to the necessities of the case temporarily, and suspend the exercise of the duties of his office, with the distinct notice, that in what work he should be employed was to be determined by his own decision and action, in relation to the previous action of this Conference in his case. That is to say: “Bishop Andrew, we have elected you to the office of bishop, and we maintain and reverence you there; we appreciate a certain temporary and local state of feeling in this country, which, in our judgment, makes it expedient that you should yield to it, and, for the present, retire from the duties of your office; nevertheless, you are bishop still; you can survey a wider plain than we, and therefore to your judgment and conscience we commit it at last, and if you think your duty requires it, go on without delay and without pause, in the performance of every one of your duties; we have not another word to add.” For that vote they dissolve this union! One might very well exclaim, “*Tantene animis celestibus iræ!*”

I was upon the inquiry as to whether the General Conference had the power to pass such a vote as this. I do not intend to stand here and consume time in discussing that point, because if it is nothing more than the mere expression of a wish, of an opinion, and yet referring the matter entirely to the judgment and discussion of the incumbent, nobody will deny the constitutional competence of the General Conference to pass it. I made some preparation earlier in this case, when I was stronger and had anticipated a different line of argument, to show that the constitutional power existed; but I shall have so much to say on the constitutional powers of the Conference on the subject of dividing the Church, that for the present I would spare your Honours and spare myself. Enough for the present to say, that if this be interpreted, as I think the Court will interpret it, to be only an expression of a wish, of an opinion, no one can stand here to deny to the General Conference the right to pass such a vote. They have power generally to make rules and regulations for the government of the Church. The bishops are directly amenable to the General Conference, and is it such an impoverished body that it has not power to ask anybody to do something, telling him at the same time that he may or he may not do it, just as he pleases? It is not worth while to pursue the subject. I shall take that for granted, and not lose time on it, because the time of the Court is important, and my time, as I had proposed it to myself, presses me to other considerations. I take it that the constitutional power is undoubted.

The next question, then, is whether, although the constitutional power to pass such a vote as this is undoubted, there is here, under the forms of law, such an outrage upon the rights of the South, such a social injustice to the Methodists of that section, as to warrant the action which the South proceeded to take upon it. That is the result of the inquiry—the only one upon which I will further trouble the Court on this point. Heavily, very heavily, I submit the burden is upon the plaintiffs, to show that under the forms of law a real outrage has been practised upon the rights of the members of the Church, warranting *in foro conscientiae* so transcendent and irrevocable a step as this. The burden of proof is upon the plaintiffs. I respectfully submit that they have entirely failed to meet it.

In considering that question, which I intend to do somewhat rapidly, and yet under two or three different aspects, I am willing to take the matter here, somewhat as it was taken by the very powerful Protest of the minority in that Conference at the time the Conference did the act. I am going now to raise and meet the question, whether, in the proceedings of the General Conference touching this case of Bishop Andrew, my clients were attempting to introduce any substantial innovation upon the course and practice of the Methodist Episcopal Church, touching the connexion of slaveholders with the episcopacy. That is the question I mean to put—and the question of blame or want of blame in relation to this extremely important part of this great transaction, I am willing, taking the thesis propounded by that Protest, to meet exactly under that aspect, which party was it that was attempting in that Conference to introduce a substantial innovation into the settled, ancient, and general course of the Methodist Episcopal Church, touching the matter of a bishop being the holder of slaves? I do not mean to admit, however, that even if the North should be declared to be innovators, it would afford a justification for the action of the plaintiffs on which I am here to observe. Still, I respectfully submit to your Honours, that if you should think these proceedings hasty, passionate, and irregular, the moral sentiments of men and the intrinsic justice in the case make it proper enough in inquiring for the first fault to ask for the innovator. I call for the innovator in the General Conference. Who was it, North or South, that day that was attempting to introduce any substantial innovation into the settled, recognised, and existing practice of that Church upon the subject of a bishop being the holder of slaves? I respectfully submit that the North were not the innovators. I mean that in expressing an opinion or a wish that a slaveholder should not be a bishop, that a bishop should not be the holder of slaves, they were doing nothing before God but simply applying to novel facts the recorded Discipline, and the ancient, recognised, and immemorial practice of that Church since it was a Church upon the subject of electing slaveholders to the office of bishop. I submit that what they did, they did timorously, delicately, under every embarrassment, and under every desire to consult every description of feeling. All they did, in its whole length and breadth, was to apply to novel facts the recorded Discipline and ancient practice of that Church upon the subject of the connexion of the episcopacy with slaveholding. Let us see if that be not so.

What was the subject of contention in the Conference of 1844 on that occasion? It was contended on the part of the South that a slaveholder might just as well be a bishop as any other man; and that there was nothing in the recorded Discipline of the Church, nothing in local opinion, nothing in the ancient course and practice of that body, that should operate even in point of expediency to prevent a slaveholder being a bishop, just as well as another man. On the part of the North, on the other hand, it was contended that having regard to a certain local opinion, to a great and overruling question of expediency, having regard to the established Discipline and settled practice of the Church, slaveholding should be considered a

great practical difficulty. That was the contention between the parties at that time. I know it did not arise in that general and abstract form. I know the question raised there was, what should be done with a person elected to the office of bishop not holding slaves and afterwards becoming a slaveholder? This is the reason why the contention assumed such an embarrassing character. That is the true reason why such a passionate feeling was aroused. The South could not bear that it should be said a slaveholder should not be a bishop; and the North thought that under the circumstances of the case it ought to be said a slaveholder should not be a bishop. Who were the innovators on that contention on that day in that Church? As I said before, this is not a question of right or wrong, it is not a question of wise or unwise, it is not a question of freedom or slavery; but who innovated on the jural society as between the parties in that Church? Who stood on the old code? Who innovated on that code? That is the question to examine. I would therefore like to extricate and take it out of the scope of mere incidental and collateral considerations, take it away from the case of freedom or slavery, take it away from the case of fanaticism, and call it concomitancies; and to take it and try it as the jural rights of these parties in consolidating the Church, and through the Church evangelizing the nation, and keep it together.

The question was on their jural rights and jural duties, according to the law of this society, *lex societatis*. Who innovated that day? and who stood on the old practice of the society? By that let the defendants be tried. I apprehend—I do not know what causes there may be underneath, I do not know how to explain the state of feeling on the part of the South—if I read correctly the nature of the ties, the *fœdera* into which the parties relative entered, that there never was a plainer question presented to a Court.

The first great fact is this: from the organization of this Church to that hour no slaveholder had been a bishop. During a period of sixty years, when there had been nine bishops chosen, no slaveholder had ever been chosen bishop. Bishop Andrew was nominated by the South, and elected because he was not a slaveholder. No slaveholder had ever been elected a bishop in the Methodist Church. And why not? The question is whether we are innovators because we object to a slaveholder wearing the mitre. Why had not a slaveholder ever been elected a bishop? Clearly because it was the sense of the Conferences, it was the recorded practice and sense of the Church; it had been notified to the North, notified to the South, constitutionally promulgated; it was the fundamental law of the Church, that a bishop was to be free from connexion with slavery. Was it because of a narrow emulation with the South? We gave them six out of nine, as we always do. It was not the honours that we sought. We gave them six bishops out of nine, and all we stipulated was that they should be a particular kind of bishops. And what complaint can there be to the vote of 1844, declaring the sense of the Conference, that the Church forbade them doing anything calculated to destroy the itinerant superintendency, and that a bishop could not hold slaves, and that a slaveholder could not be a bishop, when the sense of that document had been published and republished, through the unequivocal intimations of nine elections and sixty years? Are we then innovators? Did we innovate on that day?

There are three answers to this, and I proceed now very briefly to examine the three answers that can be made to it. The first is, that this very refusal theretofore to elect a slaveholder to the office of bishop was a social injustice, and therefore was more honoured in the breach than in the observance. The Protest and the proceedings at Louisville say it is a social injustice. The second answer is, that the case of a bishop elected because he did not hold slaves, and afterwards becoming the holder

of slaves, is not within the principle of originally electing nobody not free from slavery. The third and principal answer is, that in point of fact this very question of a bishop elected because he did not hold slaves, was a question that had been settled by a compromise of the parties as early as 1804. I will notice these arguments briefly, and in their order. •

In the first place, was there anything like a social injustice in the practice of the Church to which I have adverted—their never having elected a slaveholder, during such a long period, to the office of bishop, and having adopted and carried into effect the rule that a slaveholder should not be elected to the office of bishop? I was pausing to turn to a passage in the Protest of the Southern delegates, and in the proceedings of the Louisville Convention, in which I find that while this practice of never electing a slaveholder to the office of bishop is recognised as a matter-of-fact, it is still regarded as being in itself a social injustice. I have, however, no occasion to turn to these passages. The Court may remember hearing them read. The question whether this has properly been termed a social injustice, I submit that nothing is so unfounded. By a social injustice, I mean an injustice *ad societatem*, any injustice which is a violation of the jural right of the society, of the Church member. So far from its having been a long social injustice never to have elected for sixty years a slaveholder to the office of bishop, it was nothing in the world but the carrying out by the General Conference, into its own acts, that which it had laid down in the Discipline to be the general rule for the whole Church, in the election of every one of the subordinate officers.

The general rule of the Methodist Church, from the time it was instituted to that hour, was, that slaveholders ought not to hold office in the Church. Therefore, I say, this is not a social injustice, because it is nothing in the world but carrying into effect, in this case, by the Conference itself, that which it had prescribed in its Discipline, and promulgated to the world, from its institution as a Church, as a general rule of election to every Methodist office. This general rule was always enforced, with a single exception of a limited local character, upon which I shall have something to say in a few moments. Still the general rule was, that a slaveholder ought not to bear office in the Church. Such had been the general rule since 1784. This general rule had been re-enacted in 1796, in 1800, in 1804, in 1812, in 1816, over, and over, and over again. The general rule of the Church, as prescribed by the general lawgiver of the Church—the General Conference—was, that slaveholders were not eligible, with a single limited and local exception. This law of the Church had been cotemporaneous with its origin. It had been promulgated over and over again. Every man and woman in the Methodist Church from the South had entered the Church with a perfect knowledge of the fact that this was its fundamental and general law of election. Therefore, for the General Conference, in any one instance, from 1784 down to this instant, to have elected a slaveholder to the office of bishop, would have been to violate in its own action what it had unweariedly and studiously propounded and reiterated as a rule of action for every Methodist elective body from the birth of the Church down to that day. If it is a social injustice for a corporation to execute its own fundamental law, then by analogy this is a social injustice. Really, however, it is just as much an abuse of terms to complain of it as a social injustice on the part of the South, as it would be for a man to buy the stock of a railroad corporation, and then complain because they would not go into the manufacture of cotton; or for a young man to pass himself through one of the colleges in the university of Cambridge, England, and at the end complain because, being a Protestant dissenter—say a Presbyterian—he could not get a scholarship. *In hæc fœdera venisti*, is the answer; you have entered the Church and have been its strength and its orna-

ment—would to God you would again contribute to her glory—you have been in it for sixty years, knowing perfectly well that, wise or unwise, liberal or illiberal, ill-calculated or well-calculated to maintain the Church in the South, this was its rule in relation to slavery ; you knew it was a rule of the Methodist Church that slaveholders ought not to hold office in the Church ; and now for you to turn round and say it is a “ social injustice ”—I will leave it to the Court to say whether it is well warranted in point of justice between these parties.

I had intended to read to your Honours, from the Proofs, to show the legislative action of this Church on the subject of slavery. But the proofs are all before the Court, and I will not trouble the Bench with what might be very wearisome. I have this to say, however : it is the recorded consistent opinion of the Church, from 1784 to 1844, as the general law of election, that slaveholders ought not to have office in the Church, with one exception, of which I shall have a great deal to say in a moment. Your Honours will find that everywhere in the evidence. You will find it particularly in the address of the bishops to the Conference of 1840, and in the report drawn up by Mr. Bascom on the Westmoreland petition. It is there recognised as the general law of the Church upon the subject of slaveholders' eligibility to office in the Church. I therefore feel that I am well warranted in putting that as the general rule, recognising particularly the exception of which they speak, and pledging myself to discuss that at even greater length than even the learned counsel on the other side would wish me to discuss it.

I submit, then, so far as the substance of the contention in 1844 goes ; so far as the contention on the part of the North, that there were grave, practical objections to the connexion of slaveholding with the episcopacy, is concerned, the North were no innovators at all. I submit they were standing on the old practice of the Church, and only executing a recorded act, communicated to the South, and under which everybody from the South had joined the Church. So then there was no social injustice in our having declined and refused to elect a slaveholder to the office of bishop from the birth of the Church.

The next question, and it is briefly disposed of, is whether in expressing the opinion in the case of Bishop Andrew, which is the subject of consideration—that is to say, the opinion that a person who was elected because he did not hold slaves, becoming a slaveholder afterwards ought not any longer *durante impedimento* to exercise the duties of the office of bishop—they were guilty of any innovation. Undoubtedly this was the case of the application of old principles to new facts. That, certainly, made a slight degree of embarrassment. I agree that the case had never arisen before of a person elected as not being a slaveholder, becoming afterwards the holder of slaves. That case had never arisen before, and I might even introduce it as the first count in my indictment of innovation against the South, that on this occasion they would not allow Bishop Andrew to resign, and thus relieve the embarrassment of the Conference. Before I have done, I shall point to the proof of it on the record. I put this as a proof of innovation on the part of the South, that they thus bring before the Conference, and press upon the Conference, and stood before the Conference upon the perilous innovation of the connexion of the episcopacy with the holding of slaves. The question is, whether on that occasion the North met these new facts with old principles or new principles. I submit that the Church could not, with any consistency whatever, with its settled practice of more than half a century, and with the principles on which that practice had been established, have done anything but what it did, touching this new phase of the connexion of the mitre with the holding of slaves. What were the great principles which lay at the bottom of that practice, at the bottom of the recorded discipline of the Church ? I understand them to be : first, that

by refusing the bishopric to a slaveholder, the evil of slavery is the more likely to be extirpated, which all the way down in the Discipline is one of the great moral efforts which this Church proposes to itself. The other reason was, that in consequence of excited local opinions the office of a bishop was rendered less universally useful than it would otherwise be. It is, as I understand, on these two general principles that the practice was adopted of never electing a slaveholder to the episcopal office. This never was made much of a point in the Conference ; and I will therefore only say in general, that it is perfectly plain if, under such principles as these, it had become the judicial law of the society, promulgated and known as such, that the candidate could not hold slaves, it was senseless and absurd to suppose the incumbent could hold slaves. If under this practice ordinary or less brilliant abilities were sometimes elected to the office of bishop, because they were adorned by this great qualification, could it be understood by anybody that the successful candidate, the moment he got the office, could divest himself of the very qualification on account of which he was chosen ? I submit, therefore, without taking further time on the point, that this was only an application of settled principles to novel facts ; and, indeed, as I have said, that was not much the subject of contention in the Conference.

I come now, however, and I have to solicit the attention of the Court to it for a very few moments, to the main ground upon which the South in the Conference did, and here do contend that the proceedings in the case of Bishop Andrew were an injustice to them as members of the Church ; and I submit that if they make out in point of legal interpretation one of the rules in the Discipline—a point upon which I am now about to comment—as inoperative, then they fix on the North the charge of innovation to that extent. If they fail to make that out, then they fail on that charge in its full length and breadth. That ground is this : the Court must have noticed the other day, when the Protest was read in its hearing, that the whole burden of it, from beginning to end, was exactly and merely this—that it was too late for the North, in 1844, to contend that a person elected to the office of bishop because he did not hold slaves, afterwards becoming the holder of slaves, should not hold office, because, by a vote passed in 1800, and qualified or interpreted in 1804 or 1812, the Church had, by a compromise, provided for that very case. That is the ground taken in the Protest. It is not argued with the ability which I am sure such a pen as that of the writers of the Protest could have argued it, if they had appreciated as I appreciate the difficulties attending that proposition on the part of the South. But this is taken for granted and made the foundation of a powerful, nay, upon its principles, an irresistible appeal to the conscience and reason of the Northren members of that Conference ; and the ground there taken was, that a certain rule in this Discipline, which says every travelling preacher who becomes a slaveholder, shall be therefore suspended from his office, provided he live in a State in which emancipation is practicable, means bishops as well as travelling preachers ; and, therefore, that the *casus* is exactly provided for. If that be so, I admit that the North were innovators on that day ; for though they did not turn Bishop Andrew out of the office of bishop, although they did not suspend him from the office of bishop, although they only went so far as to express a wish that he should temporarily desist, yet if that case had been provided for beforehand, if the rule to which I have referred, by any just interpretation of it, cover the bishop as well as the travelling preacher, the North were wrong and the South were right, to the extent of a formal innovation—not that it would justify these transcendent consequences. On that point I respectfully meet the able argument of the opening counsel for the plaintiff. On that point I am respectfully, in advance, to endeavour to encounter briefly the argument of the counsel, who is to close on the part of the plaintiff. I submit that if a

man's life stood in it, and not merely the life of the Church, and through that, perhaps, the life of a more dear and comprehensive Union, it is perfectly clear as a proposition of interpretation that the South is totally in the wrong, and that this Protest was ill calculated, as it was read, and always must be read by whoever reads it, to make an impression as it proceeds upon a mere assumption without foundation.

Let us see now that we understand exactly what was adopted in Bishop Andrew's case. It turns on the meaning of this provision, (p. 22 of Proofs No. 1.)—

“When any travelling preacher becomes an owner of a slave or slaves, by any means, he shall forfeit his ministerial character in our Church, unless he execute, if it be practicable, a legal emancipation of such slaves, conformably to the laws of the State in which he lives.”

The South contended that “any travelling preacher,” in the clause, includes bishops. The North contended that it does not include bishops at all, but, on the contrary, by the force of the terms, by force of the language, and on grand reasons discriminating in the practice of that Church between the travelling preacher and the bishop, this indulgence did not extend to the case of a bishop, and was not intended to embrace it; and therefore whenever the *casus* did arise of a bishop becoming the owner of slaves *ex post facto*, in whatever State he lived, it was to be judged of only by the sense, and judgment, and conscience of the Conference itself. The question then is, whether the term “travelling preacher” in this law of 1800, upon the evidence before the Court, appears judicially to embrace the case of a bishop. I deny that there is a solitary particle of evidence for it. How is this to be tried? And by what kind of evidence is it to be established? The Court will notice, that in the Protest to which I have occasionally made references, it is stated over and over again, as in some measure a matter of fact within the knowledge of the writer, and the knowledge and belief of a portion of the protesting minority, that that law of 1800, as it stands written, had come to be, in 1808 or 1816, construed to embrace the case of a bishop. There are many passages in that document wherein this is assumed as matter of fact. The difficulty of that argument is, that it is met on the other side by the most categorical and comprehensive denial of the fact. I will now read from the Reply of the majority of the Conference, so much as to show the Court that we cannot rely for the interpretation of this article, in the least degree, upon the counter assertions as to the matter of fact. If your Honours will look at pp. 116, 117, you will see how flatly and decisively, as a matter of fact and memory, this assertion of the Protest is contradicted:—

“If additional proof of the truth of this proposition were needed, it might be adduced in the fact, that the section which the Protest represents to have been settled in 1804, was not only altered at the General Conference or Convention of 1808, but also at the delegated General Conferences of 1812, 1816, 1820, and 1824. And although the Protest speaks of it as ‘usually known’ by the name of ‘the Compromise Act,’ the greater part of this General Conference have never heard either that appellation or that character ascribed to it until the present occasion.”

I will not read more; but if the Court will examine both documents, the Protest and the Reply, they will find, that while the protestants assert that this was really settled as a matter of fact, and allege it within their knowledge to have been settled as a matter of compromise, all that source of light is withdrawn by the equally solemn asseveration to the contrary. We are therefore brought back to a mere question of interpretation. That question is, whether the term “travelling preacher,” in the rule of 1800, upon the lights before this Court, includes a bishop or not. Does that mean anything but travelling preachers proper?

The first difficulty in the point of interpretation is, that this rule does not say any-

thing about bishop. It is, "when any travelling preacher," &c. It says nothing about bishops *eo nomine*. It does not say, "when any travelling preacher or bishop;" it says nothing about bishops. Proceeding to investigate the problem of interpretation, the first great fact which stares us in the face is, that by the settled *usus loquendi* of this Church, we know that, in its Discipline, "travelling preachers" is a term that does not include bishops. Bishops are not included in the rule, in terms; and by the *usus loquendi* of this Church, which construes its language, we know that "travelling preacher" does not mean a bishop. To make that clear, let me turn your Honours to page 29 of Proofs No. 1, to arrive at the meaning of the term "travelling preachers," in the written language of this Church:—

"1. The annual allowance of the married travelling, supernumerary, and superannuated preachers, *and the bishops*, shall be \$200, and their travelling expenses.

"2. The annual allowance of the unmarried travelling, supernumerary, and superannuated preachers *and bishops*, shall be \$100, and their travelling expenses.

"3. Each child of a travelling preacher *or bishop* shall be allowed \$16 annually, &c.

"4. The annual allowance of the widows of travelling, superannuated, worn-out, and supernumerary preachers, *and the bishops*, shall be \$100.

"5. The orphans of travelling, supernumerary, and worn-out preachers, *and the bishops*, shall be allowed by the annual conferences the same sums respectively which are allowed to the children of living preachers."

So then, by the *usus loquendi* of this Church, in its Discipline, there is a difference between travelling preachers and bishops—travelling preachers do not mean bishops. There it is *prima facie*. They have not a tittle of evidence that the word "bishop," not occurring in the rule, the law of speech of the Church does not exclude bishops.

Then I inquire how they can be included, and I look in vain for a scintilla of proof to support the position of these Southern gentlemen. They say this was known to "all mankind," and yet three-fourths of all mankind reply that they never heard of it. That mode of proof is excluded; dogmatism is excluded; and secession is excluded; and these parties are brought back to the determination of this great question to their jural rights, to the meaning of the record; the meaning of the record is to be settled by a settled law of interpretation, and *prima facie* that law of interpretation is entirely against them.

I present now a third difficulty on the point of the interpretation of this clause, to show that the words here are to be taken as they are elsewhere taken in the Discipline. I beg your Honours to take notice of one thing, which, I think, has escaped the notice of the reverend disputants on both sides. I am instructed, that in this clause of the Discipline, the lawgiver speaking is the General Conference, and that lawgiver is speaking to the annual conferences for their guidance and direction. He is not speaking to himself, and for himself, but to them, and for them. Of course, as the annual conferences, to whom he is laying down the law, have nothing in the world to do with bishops, he is not laying down any law as to the choice of bishops, but he is laying down the law to them for the election of the subordinate officers which the system of the Church commits to their direction. If I am right in my position, that the General Conference is here speaking in the capacity of a lawgiver to the annual conferences, and not proclaiming a mere dogma or rule for its own guidance, nothing in the world is more clear, than that they would not be guilty of the absurdity of prescribing a rule of election to the annual conferences, that should have application to an officer whom the annual conferences did not choose, and with whom they had nothing to do. I accordingly propound it and undertake to verify it, and I say the fact will turn out to be, that this whole series of legislation, from 1792 to 1844, was

nothing but a series of prescripts sent out by the superintending governor for the direction of the inferior annual bodies. The superintending body would of course do this in advance. Why should the General Conference lay down a law for its own action ? It met every four years. They knew when they came to meet, at the expiration of the next Olympiad, as it has been happily called, they would elect a bishop under the general law. Therefore there was no need of putting a rule for their own guidance on the record. They knew also, that whatever rule they might put on the record, could be changed the moment they came to choose. Therefore, I say, it was needless and useless for them to lay down a general rule for their own action. On the contrary, as they met every four years, and various annual conferences were to be held during these four years, and as it was needful that, during that whole period, the forecast of the General Conference should, by its law, be extended in advance over them, they made the law. And the Court will see, by looking a little at the language of one or two of these provisions, how exactly they all take the language of a pre-script by the General Conferences to the annual conferences. To show this, I will read from p. 21 of Proofs No. 1 :—

“ Quest. What regulations shall be made for the extirpation of the crying evil of African slavery ?

“ Ans. 1. We declare that we are more than ever convinced of the great evil of the African slavery which still exists in these United States, and do most earnestly recommend to the yearly conferences, quarterly meetings, and to those who have the oversight of districts and circuits, to be exceedingly cautious what persons they admit to official stations in our Church ; and in the case of future admission to official stations, to require such security of those who hold slaves, for the emancipation of them, immediately or gradually, as the laws of the States respectively, and the circumstances of the case will admit ; and we do fully authorize all the yearly conferences to make whatever regulations they judge proper, in the present case, respecting the admission of persons to official stations in our Church.”

Again, on p. 22, you find that the annual conferences were directed to draw up addresses to the legislatures of the States for the gradual emancipation of slaves ; and on the next page that proper committees should be appointed by the annual conferences for conducting business, and so on. Then I submit that this is in the form of a direction to the annual conferences, which have nothing at all to do with the bishops, not to press beyond its strength anything on the learning of this Bench.

I submit in the next place that a very familiar rule of interpretation at common law, the rule as it is commonly called of denying legislation, *et ad ea quæ frequentius accidunt jura adaptantur*, applies directly to the case before the Court. That rule, as stated in Dwaris, p. 730, is this : that where the words of the law imply that they may be satisfied by applying them to the common case, they shall not be extended by interpretation to the rarer case. The words “travelling preachers” may be satisfied by the ordinary and common case, and therefore they ought not to be extended to the rarer case. The common case in this instance, in the contemplation of the lawgiver, was the ordinary travelling preachers ; they are elected many times by the annual conferences. The common case, then, was the election of the travelling preachers by the annual conferences. The rarest case was the election of bishops by the General Conference, which met once in four years. Could they adopt this rule to apply to them in this rare case when they might change it, or the progress of time might change, like a passing cloud, before the time of administering it came ?

Leaving that point, I have to entreat the attention of the Court to another consideration of very great and decisive urgency in my mind ; and that is, that there are reasons of a most palpable and weighty character why a distinction should have been

made in 1800 and 1804, and ever since in the Church, between the travelling preacher proper and the bishop, as to allowing a dispensation to one or the other from the consequences of holding slaves. I mean to say that so different are the official life and official duties of a travelling preacher proper, from those of a bishop proper, that the former might very well be allowed an indulgence, which the latter could not be allowed : and therefore this legislation, so far as it is an element of dispensation or injustice, might very well apply to the travelling preacher, and by no means to the bishop proper. In order to enable you to appreciate that argument, I ought perhaps to say in advance, that this legislation, even so far as travelling preachers are concerned, is legislation in extirpation of slavery ; and it therefore proceeds by the establishment of the general rule that slaveholding disqualifies. That is the general rule on the face of the written Discipline. A particular exception is allowed under special circumstances. Disqualification is the rule, dispensation the exception ; disqualification the rule, indulgence the exception ; disqualification is the general rule, according to the express terms of the Discipline, in the case of every officer below the grade of bishop ; and disqualification was the general rule in the case of a bishop, not by the express terms of the Discipline, but by the universal action of the Church. Therefore, my rule of interpretation is, that in inquiring whether or not "travelling preachers" for the purpose of indulgence, embraces bishops, your Honours will give the utmost expansion and energy to the general rule, and compress the exception within the narrowest possible limits. That is a universal and familiar rule of interpretation.

I submit now, that there are two reasons at once obvious and recognised, and entirely decisive, why this Court may perfectly well say, that the General Conference of 1800 should have been willing and felt obliged to extend an indulgence to the travelling preacher, which it could not extend to a bishop, but at the hazard of all a bishop is created to do. In the first place, there were reasons why a travelling preacher should be indulged, which did not apply to a bishop. The home of a Methodist clergyman is his assigned field of labour. The home of every Methodist preacher under the degree of a bishop is in his assigned field of labour, and his assigned field of labour is commonly a large circuit, but narrow, compared with the imperial sweep over which the episcopal duties carry the bishop. There the travelling preacher must live, and there he must labour ; and therefore, if he has slaves and cannot emancipate them there, it is safe and proper that he should labour without emancipating them, or else he cannot labour at all. But on the other hand, the field of a bishop's labour in the Methodist Church, is our universal united America. His field of labour, under the system of this Church, is the whole of America, and therefore he may live anywhere in America. I am submitting to your Honours not a harangue and declamation on the subject of the episcopacy, but I hope and trust a sound interpretative argument. Therefore, I say, the General Conferences of 1800 and 1816 might very well have supposed that a bishop would be willing to live anywhere, throughout his vast and expanding diocese, that he would be willing and only too happy to be allowed to live where he could best discharge the duties of that great office, where he could best depurate, if I may so express myself, and unclthe himself of all influence tending in the least degree to mar the whole measure of his usefulness, where he could best go and put on a virtue that should approve itself to more than a local standard, where he could best attend to the whole beauty and protection of that holiness which should best recommend him to the universal sentiments and scruples of the whole Methodist Episcopal Church. Why, then, might not the General Conference have very well drawn a line of distinction on this ground between him and the travelling preacher ? Why might they not very well have deemed, that in taking upon himself the discharge

of the new office he would relieve himself of all embarrassments? Why might they not have done him the honour, in advance, of supposing that in becoming a bishop he would prefer to stand on the general rule, instead of sheltering himself under a narrow dispensation? Why might they not have presumed on the part of a bishop, as discriminated from the narrower and humbler labours of the travelling preacher, that for the sake of holding such an office as that, for the sake of being a successor of the Asburys and the Wesleys; for the sake of being a successor of those older, and better, and more famous men; for the sake of the privilege under Almighty God of bearing the glad tidings, the venerable presence and admonitions, and authoritative instructions, and satisfying consolations of this Church everywhere, from North to South, and from East to West, from Britain to Gaul, from Marseilles to Rome, from Rome to Antioch, from Antioch to Jerusalem,—that for the sake of these, he would be only too glad, I will not say to forego the luxury of slaveholding, for that might involve a sarcasm, which I do not mean, but, to break away from such an impediment as slaveholding, that he would choose rather to proceed instantly to place himself where he might soonest and most effectually rid himself of all participation in what would make him objectionable to any portion of his flock; and that if he should prefer the other alternative, to continue to hold slaves, he should see no hardship in allowing the mitre to pass to another brow? Can any man, on this question of interpretation, stand here and tell me, that this Methodist Episcopal Church in 1800 and 1816 might not, on that exact discrimination, have said, “The travelling preacher needs a dispensation, and shall have it; but the bishop will never ask for it, and shall not have it.” On that ground alone, I say, there might be a necessity for this distinction.

But there is one other reason connected with this office—and when I state it I shall leave this branch of the argument—and that is, that the life and duties of a bishop differ altogether, and in so great a degree from those of the travelling preacher, as really to afford a necessity for a different standard and example. I suppose that to the usefulness of a local or travelling preacher in the South, slaveholding constitutes no objection. It probably affords no drawback at all. On the other hand, this Court knows perfectly well, this whole Church and this country know perfectly well, that to the utility of a bishop, slaveholding constitutes an objection of the gravest and most practical, not to say decisive, character. This Court knows perfectly well that over large tracts and fields of his episcopal journey, such a bishop is but half a bishop. Your Honours know perfectly well that the itinerant superintendency of the bishop is fundamental in the practical polity of Methodism. Methodism may give up almost everything, but it cannot give up that. Methodism may give up this tenet or that tenet, and become more Calvinistic or less Arminian. But she would cease to have a particle of Wesleyanism upon her front, in her life, in her services, and in her name, if she did not retain a superintendent episcopacy, who can carry the presence and counsels of that Church to the most extreme locality, however remote, however sectionalized by extremity of local opinion, who can carry them everywhere, and be everywhere unblamed and unreprieved of all men. That is of the very essence of Methodism. When this is dispensed with, everything is dispensed with. Instead of stopping to prove this, as I could prove it, I will content myself by referring your Honours to the address of the bishops in 1844. You will there see that I do not exaggerate the importance of this ornament of Methodism. It is of the essence of practical Methodism that the bishop may go, and shall go—he shall go on foot if necessary, he shall go barefooted if necessary, he shall take sackcloth, he shall take the cross, he shall not go figuratively by staying home and sending another; but the theory of the system, the demands of the system, the administration of the system, what it has achieved for the world, depend upon this —

that the bishop shall go and be required to go everywhere personally, from time to time, from one extremity of his circuit to another. What then more inevitable than that this General Conference of the whole Church, that recognised from the beginning the right of the South to its proportion, and more than its proportion, should have settled it as a rule, that he from the South who would aspire to it, must bring a virtue that would approve itself to more than one side of the line—a virtue that did not need the apology of birth-place and residence—a virtue that should come directly as it were of Divine perfection and character, that should be winged, created, clothed to be welcome everywhere, by whatsoever things are lovely, by whatsoever things are honest, by whatsoever things are of good report in the sight of all men. That became perfectly indispensable. Therefore, to tell Northern members of such a Church as this that they ought to elect, that they are required as Methodists to elect a slaveholder to the office of bishop, or that, finding him to become such, they must still continue him there, is to tell them they must cease to be Methodists, to be Wesleyan Methodists, must dismiss themselves of an itinerant episcopacy ; in other words, a change of discipline, a change of faith. While they had a recorded general rule that slaveholders should not bear office in that Church, and while they yielded with the sensibilities and common-sense of men to the necessities that required a particular exception, they never dreamed of an exception for an hour in the case of a bishop. I submit that the action in the case of Bishop Andrew, shows that the sense of the Conference of 1844 was that such an exception had never been dreamed of.

Then I submit that the great North was right, and the great South was wrong, that day, on the question of mere innovation. I say we did not innovate on the South in the slightest degree. Bishop Andrew was not tried, was not sentenced, was not removed, was not suspended from his office ; advice was given him, and in giving that advice we kept entirely within the practice of the Church, as settled upon the record of the Church. Suppose this were doubtful. In the name of common-sense and reason, was a structure like this, reared as this was, built for the offices for which this was built—should a structure like this have been demolished ; first, on a doubt on the meaning of our act ; and, secondly, on a doubt of the meaning of one of the articles in the creed ? The future historian of that Conference will, I think, say that the minority were in the fault in this business. I feel bound to go as far as to say that from what I have seen in the evidence, prodigious abilities were in that minority. I have seen some proofs of it from their pens. It contained men of the highest character for patriotism, and all the qualities we love,—all that we would take back to our embrace if we might. But I feel bound to hold them responsible for that day's work to a certain and just extent. I must say, that although there may be undercurrents of which we cannot judge, for we are here in a court of law and on the proofs, I believe if that minority had not, among themselves, under the exasperation of the vote in Bishop Andrew's case, resolved on this act, and had not thereupon thrown themselves into it with a passionate energy, if they had not thereupon prepared a circular, to which I may or may not have time to call the attention of the Court, to the South, not merely predicting but initiating that result, if they had not then gone home and delivered themselves over to that easy and yet so responsible a trade—so easy to such abilities, and yet so responsible for such a use of them—the manufacture of public opinion,—that opinion under which the annual conferences of the South convened, and the Louisville Convention assembled, and did the work,—I believe, before God, the Church would have stood fair as the moon, with all her banners today as in the day of her birth. Some local excitement there might have been here and there. There always is. And it is the very use of reason to deal with

such local excitement. To what purpose these endowments of mind, and this force of character, but to struggle with such agitations as these ! All our American warfare is nothing but a war of sense and nonsense—nothing else, in the world. Some local excitement there probably would have been ; but if fifty of these gentlemen—twenty-five, ten, five—had remembered that they were patriots as well as Methodists, and Methodists as well as patriots—if they had remembered that this Church was originally created in 1784 for the nation of America—that it was designed by its founders that through and by an original unity, not merely embracing that territory, but expanding to the universal territory of the New World, through that organism Methodism was to work out its mission and enjoy its life—that the chief among its agents is the agency of itinerancy, and prominent in its itinerancy is the office of bishop, whereby a bishop may travel from shore to shore, and be everywhere a father among his children, a presence and power equally beloved and authoritative—if they could only have remembered that, in addition to all that was demanded of it as a Church, it was one of those beautiful instrumentalities—how rare and indispensable !—by which the larger union outside, which embosoms it, was to be kept together—if they could have gone back under these influences, and spoken their fervent feelings and weighty speech to the reason of the South, that Church, *Troja nunc staret*, would have stood this day. Such is my confident belief.

I have been looking over the proceedings of the Southern annual conferences as put in evidence in the case. I was about referring to some beautiful passages from the proceedings of the conferences in Kentucky, Missouri, Arkansas, and—the farther the better—Texas, which still breathe a longing, lingering love of the union, and which manifest the most strong and reiterated expression that they will not separate if they can by possibility avoid it ; thus showing that they could not tear themselves from the warm precincts of the cheerful day. They waited for the assembling of the wise men of the Convention of Louisville, and waited for nothing but to hope they would consider that there should be no necessity for separation. The journals of our Conference of 1848 show you that nearer 3,000 than 2,000 have come back, and asked permission to be taken again into the old fold of their fathers' and mothers' baptism. I say such Methodists as these might have been kept ; and heavy, heavy is the responsibility which will allow such delicious and priceless affections as these to run to waste, and water but the desert. Still heavier is the responsibility of him who puts out that Promethean fire which no hand may rekindle.

Now, what was done ? Did the minority of the South anywhere put on the record of that Conference of 1844 their opinion, that what we had done ought to dissolve the Church in matter of conscience and political ethics ? Nothing like it ; but they put on the records merely a declaration that what had been done must produce a certain state of things at the South, which would render their continuance in the Church impracticable. It is a very striking fact that they did not place on the records a deliberate declaration of their own opinion, that what the General Conference had done in matter of law and matter of conscience, made it proper and fit for them to dissolve the union of the Church. They told the General Conference that in consequence of its action a certain state of things would be produced at the South—that the laity of the South would be aroused, and that when they went home, if they found it impossible to rule the roused Methodism of the South, they would have to choose between ties to them and ties to us. Thereupon the General Conference said, that if such a *casus* as that should arise, they would do nothing to throw any impediment in the way. I have made inquiry, and I am satisfied that no member of that Conference—certainly, not a great majority of them—had any more idea that they were voting for a division of the Church, than that they were voting for a division of the State.

But they verily believed that their ready manifestation of a willingness to help their Southern friends—if when they got home they found such an excited state of feeling, would help to maintain the connexion—that this would operate in some measure as oil on the troubled waters, and thus anticipate, and prevent in some measure, the catastrophe which had arisen. They adopted what has been called the Plan of Separation, not as a measure of division but as a preventative. I do not think this quite relieved the minority from all responsibility in that behalf. It was still their duty to have endeavoured to prevent a state of feeling which in the Conference they undoubtedly seemed to fear, and for their opinion we had great respect. Their counsels guided. I admire their abilities, and appreciate their patriotism, and love them well enough, with all my heart, to wish them back again in the same Church with my clients, and I do not know that I could breathe them a better wish. As to the act itself, if I may not call it, in the language of Mr. Burke, “the fond election of evil,” was it not, in the language of the same great man, “the unforced choice of evil?” I escape with great pleasure from matter connected but remotely with the merits of the case, and come to those immediate merits.

The case actually stated in the bill is very simple and very clear. The learned counsel who opened, states or intimates in his argument another case totally distinct from that stated in the bill, as I understand it, which creates some confusion in my own mind. Before I raise the real question which I wish to present to the Court, I would seek for myself a clear idea of the equity on which the plaintiffs claim. Looking, then, to the bill, the case put is exactly that a body of persons and of annual conferences, heretofore members of the Methodist Episcopal Church, have, by their own act or concurrence, and volition, under a certain Plan of Separation, separated themselves from that Church, and formed themselves into another totally distinct and independent Church. The case stated in the bill, in other words, is, that the Methodist Episcopal Church has been divided in twain by a geographical line, and that they have attached themselves voluntarily to the Church on the Southern side of the line, and that this has taken place under such circumstances that they still remain entitled to their share of the original fund. This case thus stated in our general way is a perfectly intelligible one. It is a case of voluntary separation. It raises the mere question of the effect of such separation on the rights of the separatists to the original common property. But your Honours will, perhaps, have observed that, in the course of his argument, my learned brother perpetually kept introducing another case, not stated in this bill, and not before the Court, to derive from that case some aid to the one stated and argued. He said there were widows and orphans who were to lose their rights on the doctrines of this defence, without any act of their own, and thereupon he pressed us to know if we would put such a class of non-combatants as these to the scalping-knife and the tomahawk, whatever we might be inclined to do with the great body of the plaintiffs whom we have to encounter. In regard to that, I have to say, in the first place, that no case is before this Court but that of voluntary separatists, or those whom other volunteers have separated from the Church. If there are widows and orphans on the Southern side of this line, who have not voluntarily separated from the Methodist Episcopal Church, or who have not been carried away from that Church by the acts of other persons, themselves volunteers, with whom they are ecclesiastically connected, then the defence which we make to the plaintiffs’ bill excepts such a case—and no such case is stated in this bill, or prepared in argument for the consideration of this Court. This bill is for voluntary separatists, not for those who have not participated in the act of separation; and therefore the defence we here make has no application to the class of people for whose title to the sympathies, not to say the justice, of this Court, my learned brother seemed desirous

to borrow some kind of advantage. I hardly know that I need say anything as to that limited and anomalous description of persons further than this.

If the Court will look into the journals of the General Conference of 1848, to the action of that Conference upon petitions of thousands from the South who have sought to return to the body of the Church, they will see that the doctrine which we have there declared on record is, that everybody who has not withdrawn, or who has not been expelled, is still a member of this Church. Therefore, if it be true of these widows and orphans, or any of them, that they have not acted at all, they still remain, for aught I know, within the pale of the Church; and we should be but too happy, so far as they are concerned, to apply the fund to them. But their case is not stated on the record, it is not presented in the bill, it is not argued substantially by counsel. To their case our defence has no application whatever. I object, therefore, to my learned friend drawing to his banner, and bringing to his aid such a description of parties as these. He will give us leave to say, that it is hardly fair, although it is very skilful warfare in him to do so, to come to us at the head of some 500,000 Southern combatants, less or more; and when we turn round to fire upon them, to say, "Take care; you will kill some widow or some orphan, and these widows and orphans are no combatants, no marks for you." Our answer to that is, that with that class of parties we have no encounter, and if his clients would avail themselves of the immunities of orphans, they had better begin by clothing themselves with the innocence of orphans. It is with the voluntary separatists of the bill alone that we deal.

Turning then to the case, as it is exactly stated, and taking it under its most formidable aspect, that is to say, of an income for these beneficiaries, which is, perhaps, the most formidable and most plausible aspect in which the learned counsel presents the case,—and by preachers, I mean the limited description of preachers to whom the fund is directed,—our answer is, that they have no claim, because they have lost by their own act the one fundamental and indispensable qualification of continuing membership in the Methodist Episcopal Church. To maintain this, we shall submit, that the acts of the plaintiffs worked a simple secession from the Church, without lawful authority, terminating their own membership, and yet leaving the identity of the Church altogether unaffected. If so, we say, it can scarcely be denied that they have lost the right in losing the qualification. To open our general answer to the bill a little more broadly, if we should suppose that the plaintiffs had succeeded in establishing the position that they left the Church and terminated membership, which was the qualification under which they held the title, by lawful authority, leaving the original Church, in fact, in its associated identity, still we submit that they have not carried with them a particle of right to any portion of this fund, principal or interest; because, on such secession and termination of membership as this, it is a universal proposition of law, as we understand it, that the seceder takes nothing, unless at the time of secession, or before, or afterwards, the act is attended and qualified by a grant of property from a body competent to make such a grant. In this case we say, that even if the plaintiffs have left the Church under the sanction of competent ecclesiastical authority, they have no such grant of authority: 1st. Because the General Conference had no power to make it; 2d. Because it did not assume the power to make it, if it had it; and 3dly. Because both the General and annual conferences together, could not take it away from the uses to which it was originally devoted; the travelling supernumerary and superannuated preachers of the Methodist Episcopal Church remaining members in it.

It will be convenient for me however, instead of now adverting to the fund, to advance at once to the proposition that the plaintiffs' act in leaving the Church was a

simple, bold, and unauthorized act of secession, unauthorized by any ecclesiastical authority whatever; and, therefore, according to the universal law, as we apprehend it, the right of property terminated by the act of secession.

We say, then, in the first place, that the proceedings of the plaintiffs were a simple, unauthorized secession, and that they leave the identity of the old Church entirely unaffected. I suppose it will be hardly controverted on the part of the plaintiffs, certainly it is entirely and perfectly clear, that independently of the proceedings of the General Conference of 1844, the act of the plaintiffs, and of everybody who participated in the proceedings of the Louisville Convention, would be a simple and unauthorized secession from the Methodist Church. *Prima facie*, I mean to say, that unless they shall be qualified by the action of the General Conference, called the Plan of Separation, the proceedings of the plaintiffs, and those with whom they are associated and act, work a simple and mere secession from the Church. If your Honours will glance at the resolutions of that Louisville Convention, as they are stated in the plaintiffs' bill, p. 6, fol. 20, you will find that they in terms declare, and then proceed to achieve a separation from the Methodist Episcopal Church. They in terms proceed to renounce the jurisdiction of the General Conference in all its terms, and in all its forms, and to impede the organism through which that jurisdiction could be exerted. They then proceed to constitute the portion of the Church which acts in and through them into a separate and distinct ecclesiastical association and organization, for whose government, and faith, and discipline, and indefinite existence, they go on to make complete and independent provisions. Now, of course, the effect of all this—unqualified, as I have said, by the act of the General Conference, to the influence of which I shall have occasion to proceed in a moment—is secession and nothing else. In its effect, it is exactly as if, instead of five hundred thousand persons, five persons had turned from Methodism to Presbyterianism or Congregationalism, and had gone off by themselves from the body. I take it to be altogether too clear to discuss, that the number of those who go, their continuing Methodism, their simultaneous organization of themselves into a Methodist Episcopal Church, the farewell words of kindness with which they take their leave, and the protestations which we find scattered over the proceedings of the Louisville Convention, to the effect that they do not intend to separate or secede, do not control the matter in the slightest degree. Actions, here as elsewhere, overrule words; and no protestations, and no declaration of the purity of their course can possibly extricate their case from the influence of a conclusive presumption of law, *prima facie*, unless they can qualify it and transform it by resorting to the Plan of Separation. They have deserted the Church in the boldest possible form and most intense extent. I may perhaps anticipate, though not in the immediate course of my intended discussion at this time, so far as to say, that I understand it to be perfectly clear, according to the doctrine universally accepted on this subject, that a simple secession, such as this would be but for the vote and plan of the General Conference, is perfectly futile to claim the property asserted in this bill, however that property may be holden,—whether it belonged to the society in the aggregate, or was held by certain of its members in trust as a charitable use for certain other members. I understand it to be universally holden by the jurisprudence of all civilization, that such a secession as this would be, upon that hypothesis, secession unauthorized by ecclesiastical property, and forfeits the title as a matter of course. Indeed, I suppose it is just as clear—it is one of the points which we have presented to the Court this morning on our brief—that, even if the secession were completely authorized by competent ecclesiastical authority, but leaving the old organism in its local identity, it works the very same consequences on the title. I suppose it entirely true

that if a religious association, incorporated or unincorporated, holds a fund by any title belonging to the society in the aggregate, or held by a part in trust for the rest, and thereupon a secession takes place by their consent, the seceder carries no interest in the fund. I understand that to be universally true of all incorporated or unincorporated associations. This is a common case, and we have referred the Court to many cases of it. In New-England, if a portion of a city or town is set off into a separate town, it does not carry with it any portion of the funds of the old corporation without a special agreement to that effect. There was a strong illustration of it in a case reported in the 16th of Massachusetts Reports, where the old county of Berkshire was divided into three counties, and the legislature, inadvertently at the time of making the act of division, perhaps, forgot to provide for a division of the corporate property, and the very next legislature undertook to correct the mistake. In that case it was held to be unconstitutional, as there was no provision made for a division of property in the act authorizing the division of the county. So that I understand it to be a universal proposition, that upon a secession, authorized or unauthorized, as the general rule, the seceder carries no property in the fund which before belonged to the whole association, unless his act be attended and disarmed of its consequences by an accompanying grant of a share of the property by the competent authority. Not, however, to anticipate, but to confine myself for the present merely to the act of secession, to qualify the *prima facie* influence of this secession, and the consequences of that act, the plaintiffs have, of course, the burden of proof and to encounter it, they invoke the vote of the General Conference, called the Plan of Separation. That Plan, as well as I can, with all the attention I have been able to give it, understand it, the plaintiffs assert divided the Church in two, and by some operation or other, that I am not quite confident to this hour I distinctly understand, even without the assent of the annual conferences, it enabled them to depart, and yet to carry with them a portion of the original common fund.

Upon this a great many questions arise; but the first to which I wish to call the attention of your Honours is, whether or not this act of the General Conference is not a mere nullity in the contemplation of ecclesiastical law, in so far as it was an act assuming to divide the Church under which, of course, the plaintiffs take no right. My first proposition is, that it is an entire and perfect nullity, for want of authority in the body called the General Conference to divide the Church according to the Methodist ecclesiastical polity. This, then, raises two general questions,—1. What is the nature of the act? and 2. What are the powers of the body that did this act?

It is to be observed, in the first place, with regard to the nature of the act, that in order to avail the plaintiffs in the slightest degree, it must be held to be an act whereby the General Conference divides the Church into two—everybody agrees it must do that,—and whereby it divides the Church in two, but wholly destroys the old association, and produces two new ones in its place. I have already indicated, and I shall by-and-by have occasion to submit more at length, that if the act does not go to this extent—if it goes no further than a mere setting off a part from the whole, leaving the identity of the original whole unaffected, and does not at the same time accompany it by a grant of any portion of the estate—then it does not avail the plaintiffs. Therefore, I submit, though in the bill they confine themselves to the mere allegation, that this act has divided the Church in two, without advancing so far as to say whether it has destroyed the original Church and made two new ones, in order to avail themselves of the act in the slightest degree, they must go that extent. Therefore, they must establish the two constituents of the Ovidian meta-

morphosis, not merely the *forma mutata*, but also the *novum corpus*, or their case fails. If, however, it does not go so far as the destruction of the old Church, and the production of two new ones, it is at least a division of the Church; and it is in that aspect of the act that I desire for a moment to consider it, and then to inquire whether or not this Conference had the constitutional competence to do such an act.

It is, then, a division of the Church; it is so urged in terms, and is unquestionably so in every view of the case. To avail the plaintiffs, however, it must be made out in matter of fact that it is a division of the Church; that it divided an existing Church theretofore one, established to be one, organized completely, and covering jurisdictionally and spiritually, *secundum subjectam materiam*, a certain territory, into two Churches, separated by one geographical line running directly through the original territory, and each Church totally distinct, and totally independent. That is the nature of the act. It is not a mere dismissal of a single member from the Church *in malam partem*, or *in bonam partem*. It is not the excommunication of a party; not the dismissal of a party with letters of recommendation; it is not the calling in of a missionary on a lying-out frontier, ascertained to be too far distant for the prosecution of his enterprise of benevolence; nor is it, as was the case between this Church and Canada, the dissolving of a treaty, or the terminating of a compact between two Churches theretofore existing legally independent, but united by a temporary tie. On the other hand, it is a division of an existing substance into two. It is, ecclesiastically and in fact, precisely such an act as it would be politically, if the general government were to-morrow to assume to divide the United States by Mason's and Dixon's line prolonged from sea to sea, and proceed to establish two independent nations on the different sides of the line, and then to go on indicating a plan for dividing the buildings, the ships, the arsenals, and the flag equally between us. May that omen at least be averted! It is a division, and nothing less nor more than a division of the Methodist Episcopal Church.

I ask the Court, before I proceed to inquire into the powers of this body constitutionally to do such an act, to pause for a moment in the still further contemplation of the act itself. This is a division of a Church which had existed in 1844, called the Methodist Episcopal Church. It was one Church. At that time it had been one sometime longer than these States in this Union had been one under the constitution of the general government. Methodism, as I have read in these proceedings, had its birth and baptism in an upper chamber somewhere in the city of New-York, in 1766. Thence it spread and grew, embarrassed somewhat by the troubles that preceded the breaking out of the revolutionary war, and still more by the revolutionary war itself, until at last, in 1784, its hymns were sung, and its fervid oratory spoken, in the pine woods and upon the river banks, in some seven States, and in the hearing of some 14,000 or 15,000 members. That was in 1784. Still, down to that time, it recognised a certain British tie. Its founder and its ruler was Wesley, who was an Englishman to the last day of his life. Its preachers were, I believe, all of them, down to that time, of British ordination. Its sacraments were denied to it through the agency of its own service, and could be enjoyed only by leaving the Methodist meeting, and seeking for them within the walls of an Episcopal Church by the English law, to which Wesley all his life, certainly as late as that period, continued to adhere. In 1784, sympathetic with the new American national life, Methodism, the Methodism of the United States, the collective general will of American Methodism, expressed by the preachers and by the laity, assembled in an extraordinary Convention, for that was the true character of it, expressly on that subject, convened under a letter from Wesley recommending that proceeding, decided to form

itself into one Church—one independent and indivisible by the terms of its creation. The Court will see that it was expected to be a Church in and for these United States, that it was expected from its origin to grow with their growth, and to expand with their area, to breathe over their gigantic frame its spiritual culture, to contribute to their amelioration, to consolidate their unity, and to attend their various fortunes through the corporate, and associate, and connected life of both. I pray your Honours' attention, in this immediate connexion, to the letter under which the Conference was called by which the Church was formed. And it is very striking to remark how the Church, in its very origin, had a national character and a national tie, and might very well expect to survive and perform a series of national service as long as there was a Church to work or a nation to serve.

On pp. 3 and 4 of Proofs No. 1, Wesley, in his letter, says—

“By a very uncommon train of providences many of the provinces of North America are totally disjoined from the British empire, and erected into independent States. The English government has no authority over them, either civil or ecclesiastical, any more than over the States of Holland. A civil authority is exercised over them, partly by the congress, partly by the State assemblies. But no one either exercises or claims any ecclesiastical authority at all. In this peculiar situation some thousands of the inhabitants of these States desire my advice, and in compliance with their desire I have drawn up a little sketch,” &c.

Your Honours will observe the exigency. In consequence of the independence of a new nation, Mr. Wesley advised the establishment of a Church for that nation. He says that thousands of its inhabitants solicited his advice, and he proceeds to recommend the creation of a new Church for the new independence. He constitutes Coke and Asbury joint superintendents over the American brethren. By turning to pp. 5, 6 and 7, your Honours will observe that it is certain citizens of the United States, who, under this letter, they having undoubtedly formed part of the thousands who solicited his advice, proceed, in contemplation of the same crisis—the erection of a new nation to independence—to found a Church for it. I beg leave to read a passage from page 5 :—

“To carry into effect the proposed organization, a General Conference of preachers was called, to meet in Baltimore at Christmas, 1784. Sixty, out of the eighty-three preachers then in the travelling connexion, attended at the appointed time. ‘At this conference,’ say the annual minutes for 1785, ‘it was unanimously agreed, that circumstances made it convenient for us to become a separate body, under the denomination of the Methodist Episcopal Church.’”

Turning from that, I ask attention to some of the questions in the Discipline of 1784, page 6 :—

“*Quest. 2.* What can be done in order to the future union of the Methodists?

“*Ans.* During the life of the Rev. Mr. Wesley, we acknowledge ourselves his sons in the Gospel, ready, in matters belonging to Church government, to obey his commands. And we do engage, after his death, to do everything that we judge consistent with the cause of religion in America, and the political interests of these States, to preserve and promote our union with the Methodists in Europe.

“*Quest. 3.* As the ecclesiastical as well as civil affairs of these United States have passed through a very considerable change by the revolution, what plan of Church government shall we hereafter pursue?

“*Ans.* We will form ourselves into an episcopal Church, under the direction of superintendents, elders, deacons, and helpers, according to the forms of ordination annexed to our liturgy, and the Form of Discipline set forth in these Minutes.”

So, then, contemporaneously with the emerging of a new nation to life, a new Church—the Methodist Episcopal Church—by the same general agencies, or sympa-

thetic with the same general agencies, was brought into existence. In its first breath, it was a unit, it was one Church. The evidence that it was to be and remain a unity as long as it should exist is just as unequivocal as the evidence that it was to exist at all. There is as little dream of duality in this birthtime of the Methodist Church as there is of deism or pantheism. Duality is no less a heresy, according to the objects and original destiny of this Church, than either the one or the other. Its territorial extent, present and future, was meant to be perfectly defined, and *ab origine* it was, and was to be co-extensive with these States. By a solemn compact of all with each, and each with all, that power which created that Church in 1784, whoever that power was,—call it the whole body of preachers, the whole body of Methodist laity, that vast body of preachers and laity, preachers acting for the laity and laity for the preachers,—ordained from its birth that it should be one Church. Even then, it is striking and beautiful to observe, that they saw in it the promise of an abiding and an expanding agency, for the benefit of the nation whose members they were become.

I submit that everything in the history of Methodism, everything in its origin, everything about it, is unity. Unity is the law of its being. From the start everything implies, everything expresses it. Go back to its origin, and you find that from its birth-time till 1844, unity is everywhere. It is as frontlets between its eyes. It is written on every fold of its robe. It is garnered up in every corner of its large heart. Every one of its institutions was originally adapted to the preservation of that unity to the end. For the administration of local business it has local judicatories; for the conduct of its general affairs, proceeding on the plan of our grand secular Union, it has a general body; and then, above all, is that extraordinary distinguishing and characteristic element of a grand superintending itinerancy, whereby the universal Methodism of America may be said to be brought together from season to season, in one vast creation, homogeneous and identical, to be kindled with one flame, to be melted in one tide of emotion, to sit down to eat and drink unreprieved and unblamed at the same promiscuous banquet of charity. That Church, thus created for unity, of which unity is a part and parcel, the General Conference of 1844, it is said, has divided in twain. Forgetting their own subordinate and administrative relations to the Church, and to the sovereign will behind, that created and produced it; forgetting that the grand idea of Wesley and the generation of 1784 was, that the Methodism of these United States should work out all its ends in and through and by the instrumentality of a compacted and organic unity, and that when it ceased to be one, whatever it became, it ceased to be the original Methodism of Wesley; forgetting that its essence was itinerancy, and through itinerancy a whole nation was meant to be kept within a single fold; I will not say, forgetting their duties as patriots and as men, but, as it seems to me, with great respect, misconceiving those duties, and showing themselves for the moment, a little unequal to the forbearance, and self-control, and humility which the hour demanded, and which ennobles more than it degrades any man—forgetting these, this General Conference divided this Church in two as coolly as a mathematician would draw a great circle on a wooden globe. It was divided in an instant, even as if a child were cut through the head and heart to compose the dissensions of stepmothers.

I know that a great deal of ingenuity has been employed by my learned and able friend on the other side, to prove that all the Methodism has not been divided. A great deal of pains has been taken to show that Methodists, whoever they are, and wherever they are, are one body. I believe some poetry has been printed, to the effect that although mountains rise and rivers roll between nations of Methodists, still a certain tie of Methodism unites them at last. I submit that that is nothing at all

to the purpose ; for after all, this forgets entirely that the Methodism of 1784 was the Methodism that was to exist, and act, and do its work, only through and by means of an organic unity ; and when that organic unity is cloven down, and that structure destroyed, it is in vain to say that, though unity is gone and the Church is dead, Methodism is alive. Why, suppose the National Government to-morrow should divide these States into two independent nations, or thirty-one, or thirty-two, or five hundred independent nations, I suppose about the same absolute quantity of democratic liberty might remain and lift up its voice all over this land. I dare say, inasmuch as a certain tie is said to connect us everywhere, we should still retain a tie of connexion with one another till, through a series of affliction, and struggle, and strife, we had been fain to take refuge all of us beneath the Dead Sea of despotism, just as we are connected with patriot Hungary and patriot Poland, and other patriotic falls. I dare say the same quantity of republicanism would be left ; but this national unity, through which our liberty was achieved—this constitutional unity—where would it be ? Just exactly where the Methodism of 1784 went when the Church in which it was embodied, and through which it was to act, was destroyed by the act of the Conference.

The question now is, whether the General Conference had the constitutional authority, under the ecclesiastical polity of Methodism, to make such a division as this. We utterly deny it ; and I feel an extreme anxiety to bespeak in advance the indulgent attention of the Court to the perhaps very tedious historical argument, to some extent, by which I am now about to endeavour to establish that proposition. I submit that they had not a particle of authority, under the ecclesiastical polity of Methodism, to divide the Church at all. The question might perhaps be avoided on the part of these defendants, for, as I have said, according to a view of the act on which we shall much insist before the argument shall be concluded, even if it had power to divide the Church, he who retires takes no fund with him, unless by a special grant. But the question lies in that. It is one of a great deal of interest, and a right determination of it, which we shall be sure to have from the learning of this Bench, will, in my humble judgment, do something to conduct these parties back again, which I personally certainly very much desire.

It is common to say, and it is said in the case cited the other day from *Benj. Monroe*—a case which I brought with me, as it is the one which discussed this subject—that there is a sovereign and ultimate power in all bodies competent to destroy it. There must be, it is very common to say, some power to dissolve the Union ; there must be a power somewhere competent to dissolve a corporation, a firm, to dissolve the Church, to dissolve society itself. This may very well be so ; and this was an argument which was very much pressed by my learned brother, in adverting to a great variety of circumstances which might occur, in the progress of events, to render a division of this Church expedient, and perhaps necessary. But then it does not follow that any specific body in a given polity is the organic depository of this transcendent and fatal power. Whether any specific body, as the General Conference, has it or not, or whether such a body itself is a mere subordinate or administrative function, depending on a higher and secret sovereign will, is a question in every case of history and of law. That is a question in this case as applicable to the General Conference.

Somewhere, I may admit, the power must exist. It must exist, if your Honours please, in the General Conference, or in the sovereign will which created the Church behind it ; but whether in one or the other, is a question of law and of history—a question of ecclesiastical law to be illustrated by the history of the Church—a question of ecclesiastical law upon the polity of Methodism itself. I have drawn out

with some care a proposition which I shall endeavour to maintain, in regard to the powers of the General Conference. Our proposition is, that the General Conference in the Methodist Episcopal Church, whenever, as in 1844, it is called and assembled in its ordinary course, under its ordinary and appointed designations of meeting, is a mere administrative body of the Church. It is, and always has been, the superintending legislature, judiciary, and executive of the Church, created and existing to administer its affairs from time to time, and for that purpose *durante vita* to make rules and regulations for its government, and provisions for its unity, and growth, and good; but it was a subordinate agent, a servant of the Church itself. It never was the original creator of the Church. Sitting in its ordinary capacity, and under its ordinary call, it never represented the sovereign power which created the Church; it never was made to be the destroyer of the Church; and it has never had, in any era, more power to dissolve or to destroy the Church than the General Government has to-day to divide the Union by a line of partition drawn across it from East to West. The Methodist Episcopal Church itself was created in 1784, by an extraordinary and special Conference, convened for that precise purpose, under a letter from Wesley, and in accordance with the universal wish of Methodism, lay and clerical, in the United States. That Conference created the Methodist Church for the whole United States—created it to be one, to exist forever, or while such Churches exist upon the earth. When that Conference had done its work of creating the Church, it retired, disappeared, and has never again been assembled in the history of Methodism. By virtue of that act of creation, the Methodist Church has existed ever since, and will exist until another Conference called for the purpose, representing and embodying the will of the real sovereign—that is, universal Methodism as a whole—shall decree its dissolution; and long, late, and distant may that be. After this Church was created, it had, and necessarily must have had, administrative bodies, through which in various spheres to carry on its daily business. Such are the officers of the Church, such are the annual conferences, such are the quarterly conferences, and such is, or such at least was in 1792, the General Conference. These, all of them, are subordinate, executive agencies of the principal, the constituent—the Church. When they are called together in the ordinary way, and under the ordinary call, they have none of them any more power to destroy the original sovereign creator and constituent than an attorney employed to execute a deed of land has power to shoot his principal through the head. Such is our proposition. I now have respectfully to ask the attention of the Court to the general outline of proof by which I shall endeavour to establish it. I have stated it as it applies to every one of the conferences, and to every one of the eras of the General Conference. For the discussion I must to some extent follow the example of my learned brother, and consider the General Conference as existing in the Methodist Church before 1808 and after 1808, which is the period when it became strictly a representative body, called the General Conference; and under that division I mean to submit these two propositions: in the first place, that the body called the General Conference, meeting in its ordinary course, and under no extraordinary call, instructed to do or consider no specific or extraordinary act, did never, even before 1808, have power to divide the Church, or any analogous power, but was strictly an administrative body, existing to govern a Church which another distinct body had previously created; in the second place, I mean to say that even so, its actual administrative powers were reduced to some extent in 1808. I shall first consider the earlier eras and first proposition.

To know what the General Conference prior to 1808 was, what it was created, and what it was authorized to do, I shall have to treat the subject somewhat historically. The history of the Conference before 1808 lies precisely in these few facts. I will

present the facts to the Court as I suppose them to exist, and call your Honours' attention a little more in detail to the evidence. The history of the Church before 1808 stands on these facts, and these alone. First, the creator of the Methodist Episcopal Church in 1784 was not a General Conference meeting in the ordinary course, but it was a power totally distinct from; and other than, any General Conference that was ever convened. It was an extraordinary body, such as never assembled before or since, convened under the apostolical letter of Wesley, the real father and founder of Methodism in America, for the express purpose of considering on the organization of a Church for a new nation, composed of all the travelling preachers *en masse*, and not of a representation or delegation, acting in execution of a strong and general demand of the laity for a Church that could administer its own sacraments. That is my first historical proposition.

2d. After this body had created the Church, it separated to appear *de facto* no more.

3d. After that attempt there was not, and there never had been, such a thing as a General Conference, with any recognised character, and duties, and powers, known to Methodism in this country; and there never was a General Conference called by that name, and with known and recognised powers, until the year 1792. Advisory bodies, under the name of regular conferences, had been called by the general assistant before, but with no power of deciding in any instance against his voice.

4th. This convention extraordinary which made the Church, did not provide for any General Conference then to exist in it at all for any purpose, but it set it going with an administrative economy made up of various administrative agents, variously subordinate—bishops, annual conferences, quarterly conferences, and on one occasion a body called a council. So it continued to exist till 1792, without any General Conference in it, or about it, or recognised by it at all.

5th. After some years' experience of these administrative agencies, in 1792 a General Conference developed itself. The proper mode of expressing it, perhaps, would be to say that the General Conference was the last and most perfect in the series of mere administrative agencies. The General Conference from this time down to 1808 was never endowed with a particle of power to dissolve the Church, with a particle of analogous power, with a particle of power to do one act which the bishop had not done by his own regular conference. So it existed down to 1808, and at that time these administrative functions, such as they were, were actually reduced instead of being enlarged. In other words, I shall say when I come to present the proofs of it a little more fully, that it merely developed itself and took the place of the bishop and his advisers, and had exactly the same power to dissolve the Church which the bishop had, and not one solitary particle more. I beg your Honours' pardon for occupying so much time in the narration of the five great facts which compose the history of that period; and now pardon me if I trespass a little further to return and endeavour successfully to establish them.

Who, then, created the Church organization? That, I suppose, is the first question in an inquiry like this. Of course I need not say that it was no such General Conference as this that existed in 1844—that is, a body of delegated representatives, for no such Conference had before 1808 existed at all. I should say, before I proceed to adduce the proofs on which I rely for it, that the creator of the Methodist Episcopal Church was an extraordinary body, such as had never assembled before, called for a convention—under the name of “The General Conference,” it is true, but composed of all the travelling preachers, not of a part of them selected by the annual or the quarterly conferences, or otherwise, of the whole body of the preachers *en masse*. This body assembled under Mr. Wesley's letter of invitation, in accordance with the

general and strong demand of the laity of the country for a separate organization, and for a Church capable of administering its own sacraments. That convention, thus composed, and thus called in obedience to such a demand, created this Church. The true sovereign then, I submit, the true sovereign by which alone it was created, and by which alone it can be destroyed, may be said to be the preachers in a mass, acting in obedience to the wishes of the people, through the advice of Wesley, and upon their own judgment of expediency, utility, and duty, and convened (I must not allow to be forgotten for an instant) for the express purpose of doing that very work. So that it was, in a remarkable degree, as distinguished from any General Conference that ever sat before or ever convened afterwards, analogous to the convention that created the Federal Constitution in 1787, and the various conventions which from time to time have been assembled to create the various constitutions of the several States. That body was the true creator of the Methodist Episcopal Church. It may be variously stated, but every mode of statement is equally decisive for the use to which I would hereafter endeavour to apply it. It may be stated that the true creator of the Church was the general and collective will of American Methodism, acting through the laity and through the preachers. Or it may be said that it was the collective will of American Methodism, expressing itself and acting through an extraordinary convention, called under a letter of Mr. Wesley for that express purpose, which did its work, and then disappeared. But, however it may be denominated, I submit that I am right, in an abbreviated and general way of stating it, in saying that it was an extraordinary convention called for that express purpose, under the name of a General Conference, but not in the least degree resembling any General Conference convened before, or any General Conference that has been assembled from that hour to this. It was a great ecclesiastical convention of the Methodists of America.

This brings me to the consideration of a question of some importance, and that is this:—it may be said that, inasmuch as the body creating the Church assembled under the name of a General Conference, therefore, wherever we find in the history of the Church, a body sitting under the name of General Conference, it may be presumed to have all the powers and to be clothed with all the authority, with the same transcendent powers, with the original convention. In other words, the argument may be, that whereas this body, which I have called an extraordinary convention, really assembled under the name of General Conference, therefore, whenever you afterwards find a body in the Methodist polity assembling under the same denomination, it is fair to presume that it assembles for the same general ends, and is clothed with the same transcendent powers. Now nothing can be more erroneous than this; for the second historical fact, to the proof of which I am now about to ask the attention of the Court, is, on the contrary, exactly this, that at that time, 1784, when this body assembled, there existed no such thing as a General Conference in the Methodist Church with defined and recognised character, or with any character or any powers whatsoever; so that this body was not only new, but was exactly and merely a convention of creation and of independency, no less and no more. That is the second fact, and to prove it, I shall have, perhaps, to take a little more time than I desire.

Before 1784, then, there was nothing in the Methodist system in this country under the name of General Conference, or with any recognised powers of any description, even to make rules and regulations for the Church. I think important consequences flow from this fact, and I shall therefore take pains to see whether it is controverted on the part of the counsel for the other side, and if it be controverted, I shall proceed to establish it by the histories of Methodism, if they are admitted for

the purpose ; if they are not admitted, I shall content myself with stating what I understand and am satisfied the historic fact really is, and then to say that the plaintiffs have the burden of proof on this part of the cause, and they are to evince the contrary if they maintain it.

It is true then, that from 1773—that is the first period to which I go back—there were occasionally convened by the general assistant of Mr. Wesley in this country, a body under the name of regular conference, for the purpose of advising the assistant upon the administration of the affairs of the Church. That first began, as far as we can learn, in 1773, which is perhaps a date not unimportant for your Honours to bear in mind. That body, however, was simply an advisory body, and it must be perfectly clear that it had no power, on any debatable matter at all down to 1784. And, extraordinary as it may seem, the fact is indisputable that the general assistant, who convened it for his own advice, after he had heard a matter debated, decided it for himself independent of the conference. Such continued to be the state of the case from 1773 to 1784. As to the proofs of this, I should begin first by referring to the History of the Discipline, page 10, where we find some allusion to a conference of 1773 ; but I feel bound to say that for the complete exhibition of the evidence on this point, I shall desire to refer to Dr. Bangs's History of the Methodist Church, which I suppose to be an authoritative and satisfactory account of these proceedings, and which fully supports the statement I have had the honour to make. I would turn your Honours' attention in the first place, to 1 Bangs's History, page 342, for the general statement that no such thing as a General Conference, by that name, ever existed in this country until 1792. I refer to it merely in proof of a fact which is really very well established in the History of the Discipline itself, that, down to 1792, there had been no General Conference at all. Until 1773, there seems to have been no sort of conference at all. For the purpose of showing the Court that when after that time, between 1773 and 1784, the general assistant called regular conferences, they were advisory only, and had no powers to pass on any debatable matter at all, I refer to 1 Bangs's History, pages 131 and 132. That passage is of so much pertinence and importance, that I shall pause to read it. He is writing the History of 1779 ; he has not yet arrived at 1784, but this is subsequent to the calling of these conferences. What he says, therefore, throws light on their power :—

“ These resolutions were adopted at the conference held at Judge White's, in the State of Delaware. It seems, therefore, that they were not in the habit at that time of determining debatable questions by a majority of votes ; but, in imitation of the practice of Mr. Wesley, after hearing all that could be said *pro* and *con*, the presiding officer decided the point.”

In confirmation of that fact, and for the purpose of showing how it probably had its origin, I will make two references to different parts of the History of the Discipline, and then leave the subject. In 1773, History of Discipline, page 10, it is recorded that—

“ At the first conference held in Philadelphia, June 1773, the following queries were proposed to every preacher :—

“ *Quest.* 1. Ought not the authority of Mr. Wesley and that conference to extend to the preachers and people in America, as well as in Great Britain and Ireland ?

“ *Ans.* Yes.”

So that the real truth of the matter is, that by an ordinance of the first conference of 1773, the proceedings of subsequent conferences and Methodist denomination in this country were subject to the determination of Mr. Wesley's conferences in Europe. Therefore it came to pass exactly as the historian had recorded it, that

down to 1784, these bodies were nothing but advisory bodies, without any power to decide a matter which was debatable. I will not trouble your Honours with any further references or citations to establish that proposition. I think it will not be controverted.

Now it follows from this that the body which in 1784 created the Church was, as I have denominated it, a new and extraordinary body, called for a new and extraordinary purpose, and under a new name in that Church; because, as I have shown, down to that time a General Conference had never existed, and the regular conferences that existed had been advisory bodies, without the slightest power of determination.

The next important fact is, that this body, which thus created the new Church, then retired, and did not create or provide for any General Conference at all, even to administer its affairs. This is a fact of very great importance, and when I come by-and-by to apply it to an important problem, *i. e.*, with what powers the General Conference of 1792 came into existence, I think it will be found to throw very great light on that inquiry. The fact is, that this General Conference of 1784 did not create or provide any General Conference even to administer its affairs; but on the contrary it seems to have assumed that the administration would be carried along very well by the annual conferences, and quarterly conferences, and the officers of the Church. In point of fact, therefore, there was no General Conference in the Church to do anything under any name. The amount of the matter is, that this extraordinary convention made it at first, set it in operation, with a bishop, and with annual conferences and quarterly conferences to advise him as to its administrative economy. Therefore your Honours will see that the General Conference of 1792, which is relied upon as starting all at once into existence with power to destroy the Church, did not originally even come into the contemplation of the plan for creating the Church and providing for its administration, for it started, and began, and proceeded eight years unattended and unaided by a solitary particle of administrative agency, except its bishop and its annual and quarterly conferences, and for a very brief period a body called a council, to which I shall call attention in a moment. This fact is not controverted by anybody. Everybody agrees that no General Conference existed until 1792. What was the administrative economy of the Church during this time? A bishop at its head, quarterly conferences and annual conferences, that is to say, local assemblages called from time to time by the bishop to give him advice, composed the entire administrative economy of this Church, from 1784 to 1792, and in the contemplation of its creators seems to have been thought likely to be enough for the Church in all periods. The bishop from time to time in these annual conferences, and in these quarterly conferences, and in his regular conferences, if he chose to call them, conversed with them on changes of Discipline which he proposed to introduce; and if he found by that consultation that his changes would be likely to be acceptable to the body of the Church, of his own authority he changed the Discipline. That was so for eight years; and those were what we should usually call the first and purest years of the Church, inasmuch as they were those which immediately succeeded its creation. Nay, so little was a General Conference thought of by the generation of 1784, that in 1789—I will show it from the historian to whom reference has been made—it was mutually taken for granted that a General Conference was entirely impracticable, and therefore, by way of adding a new administrative agency to the Church, and for the purpose of collecting the general will of the Church more easily and more completely, the bishop actually projected the measure of a council, *i. e.*, a small body that should act and confer with him. That proposition was adopted, and for some time that body and the conferences, annual and quarterly, and the bishop

made up the whole administrative polity of Methodism. Let me call your Honours' attention to this administrative economy as I find it in 1 Bangs, page 302—a very instructive chapter, as I regard it, for more purposes than one, as I hope to have strength enough and voice enough to make the Court understand before I am through. He says, speaking of 1789 :—

“ Having thus noticed the progress of the work of religion in different parts of the country, let us return to the doings of the conference. In consequence of the extension of the work on every hand, spreading over such a large territory, there were two difficulties which arose in the way of proceeding in the manner they had done heretofore.

“ 1. It was very inconvenient for all the members of the conference to assemble together in one place to transact their business. Hence, as we have already seen, the bishops had appointed several separate conferences for the despatch of their ordinary affairs.

“ 2. But anything which was done in these separate conferences was not binding, except simply the ordinations and stationing the preachers, unless sanctioned by them all. And as this could rarely be expected, constituted as human nature is, it was plainly seen that there was danger of their falling to pieces, or of their having divers administrations.

“ To provide against this evil, and to remedy the inconvenience above mentioned, it was determined this year, as the best thing which could be devised, to have a *council*, for the reasons and purposes, and with the powers set forth in the following questions and answers :—

“ *Questions.* Whereas the holding of General Conferences on this extensive continent would be attended with a variety of difficulties, and many inconveniences to the work of God ; and whereas we judge it expedient that a council should be formed of chosen men out of the several districts, as representatives of the whole connexion, to meet at stated times ; in what manner is this council to be formed, what shall be its powers, and what further regulations shall be made concerning it ? ”

The Court will have been struck, I am sure, by the recital of the impracticability of holding General Conferences to collect the general will for the administration of ordinary affairs. Therefore the idea of a council develops itself. The answer to the question then is :—

“ *Answer.* 1st. Our bishops and presiding elders shall be the members of this council ; provided, that the members who form the council be never fewer than nine. And if any unavoidable circumstance prevent the attendance of a presiding elder at the council, he shall have authority to send another elder out of his own district to represent him ; but the elder so sent by the absenting presiding elder shall have no seat in the council without the approbation of the bishop, or bishops, and presiding elders present. And if, after the above-mentioned provisions are complied with, any unavoidable circumstance, or any contingencies, reduce the number to less than nine, the bishop shall immediately summon such elders as do not preside, to complete the number.

“ 2dly. These shall have authority to mature everything they shall judge expedient. 1. To preserve the general union. 2. To render and preserve the external form of worship similar in all our societies through the continent. 3. To preserve the essentials of the Methodist doctrines and discipline pure and uncorrupted. 4. To correct all abuses and disorders ; and, lastly, they are authorized to mature everything they may see necessary for the good of the Church, and for the promoting and improving our colleges and plan of education.

“ 3dly. Provided nevertheless, that nothing shall be received as the resolution of the council, unless it be assented to unanimously by the council ; and nothing so assented to by the council shall be binding in any district, till it has been agreed upon by a majority of the conference which is held for that district.”

This council, thus and then and upon that policy created, existed but a little while ; but as it was really the predecessor of the General Conference proper, and was the first large or general administrative body ever collected under the new Church, I believe

your Honours will be inclined to say the child was the father of the man in this instance. And when you come by-and-by, when we arrive at 1792, to inquire with what scope of power the General Conference then met, you will regard as a fact of extraordinary importance, not to say decisive interest, that it was immediately preceded in this very line of development of administrative agency by a bishop's council intended to collect the general will. There will not be a particle of doubt left on the mind of any fair historical inquirer, that there never was the least intention, from 1792 to 1808, to clothe the General Conference with a scintilla of authority more than was given to the bishop's council. It is for that reason, that I have somewhat solicitously called the attention of the Court to the powers and objects of the council, as they are stated in Dr. Bangs's History. The first is, to promote the general union. They were not creating a body to provide means for facilitating the destruction and disruption of the Church, but simply and solely, when, after having provided a series of administrative agency that had worked well, outgrowing its infancy, the Church demanded something more, this further administrative agency was provided, to collect the general will more easily, and do greater service. Then and for that purpose, to meet that exact want, this council was devised and introduced. It was tried for a brief space of time, and then abandoned, and in its stead was substituted the General Conference. But I submit that there cannot be a particle of doubt that it was intended to have, and did have, through its brief period of somewhat unpopular existence, the very same work to do, and did the very same work, nothing less and nothing more, which the General Conference which assembled in 1792 did. Therefore I hope I shall be excused for reading again the powers of the bishop's council, that you may see whether the Methodists at this time were carving, and whether they were anything more than carving out, a mere series of devices for a more perfect Christian and associated life, which the old convention of 1784 organized, and organized to exist. The powers of the council are :—

“ 1. To preserve the general union.”

Not to destroy the Methodist Episcopal Church, but to preserve the general union of the Church, simply and solely by enabling this wide-spread community to concentrate their wills upon the administration of its affairs from day to day.

“ 2. To render and preserve the external form of worship similar in all our societies through the continent. 3. To preserve the essentials of the Methodist doctrines and discipline pure and uncorrupted. 4. To correct all abuses and disorders ; and, lastly, they are authorized to mature everything they may see necessary for the good of the Church, and for the promoting and improving our colleges and plan of education.”

This council I have said was unpopular. The next fact we find is, that in 1792 the first General Conference ever convened in America under the Methodist Episcopal Church, assembled. We find all at once, in 1792, that it had been ordained by the constituent body, by the Methodism of the country, that from that time forward such a body should assemble once in four years, for the same purpose and clothed with the same powers. Now the problem is, with what powers, and for what purposes, the constituent creator and sovereign of 1792 all at once wakes up and ordains that there shall be in the Methodist ecclesiastical polity, from that time forth, a General Conference, assembled, and sitting, and doing its work every four years. I submit that *prima facie* we have established, that the only purpose for which the constituent body could have all at once called a General Conference into existence, was for the purpose of enabling it to act as a body of mere administrative power, and with no power at all beyond it. The sovereign will in 1784 had made the Church, and set it in operation, and left it to carry on its practical life by officers and annual and quarterly con-

ferences. For some time these answered that purpose very well. In the progress of events it was found that a council would be a convenient addition to the existing, appointed series of administrative devise, and thereupon a council was created; but nobody will pretend, that in creating a council they meant to go beyond the creation of a mere administrative body, with no more power to dissolve the Church than the bishop had. That body was unpopular, and did its work but for a little time. Then comes the General Conference. *Prima facie*, I submit that the very date of its birth, the very order in which it comes into existence in the series of administrative agencies, the very fact that the great want of the Church at that time was not a power to destroy, but a power to administer, the very fact that the Church was already created, and set going forever, shows that the General Conference came into existence as an administrative body, and an administrative body alone. This is the inference the historian would make, if he were to inquire into the matter independent from this controversy. This is the inference, I think, which this Court will make. It actually was created to be, and became to be, just what we should infer from the historic facts—the time when it came into existence, the order in which it stood, and was probably designed. I have a right to stop here, and call on the counsel on the other side for a particle of proof, that the *prima facie* inference is not the true inference in regard to the character of the General Conference. I call upon them now to exhibit to the Court one solitary scrap of proof, that the General Conference of to-day possesses a particle more power than the bishop's council of yesterday. I press them on the historical question. If it were a question on the history of Rome, to be illustrated by a Niebuhr, or by a Neander on the history of the Church, I respectfully submit that it is perfectly manifest as a solution of the historical problem, having regard to the dates and series of events and the demands of the Church, that at the time the General Conference came into existence, it was just exactly what the bishop's council had been, what the bishop had been, what the annual and quarterly conferences had been—administrative functionaries, but neither creators, nor destroyers, nor participators in a particle of that transcendent power. I call then on the other side for a historical deduction; and I have only to submit, and I demand judgment for the defendants in this case on it, for it puts an end to this controversy, that the plaintiffs have not furnished your Honours with a solitary particle of proof, to show that the powers taken by the General Conference exceeded those which I have been attempting to present.

Then where is the proof to come from? There are only two sources of evidence. They may, in the first place, call attention to the Discipline of 1792, to find there written a code defining the powers of the General Conference. It is silent on the matter. There is not one word in the history of the Church, not one word in the written constitution, showing with what powers the constituents, in 1792, intended to invest this body at the time it was called into existence.

Then we are driven to the other source of inquiry. How are we to ascertain the powers possessed? By looking only at the powers which it put in exercise. The Court are, therefore simply on these proofs, which the parties on both sides lay before them, to see if the General Conference, from 1792 to 1808, ever dreamed, so far as its powers and intentions can by possibility be conjectured, that they were clothed with a solitary particle of power beyond the authority possessed by the bishop's council, which preceded it. On the contrary, the General Conference went on in the path of the bishop's council and the annual and quarterly conferences. We find it going on, in the same useful, but well-defined and comparatively humble path of mere administrative service. We find it here and there making changes in the Discipline of the Church, and those not considerable changes. I submit that not one

act of a higher degree of power was done in this period, and that nothing was done by the General Conference, from 1792 to 1808, which had not been done over again in the period which preceded it. Therefore, unless the learned counsel are prepared to say, that the bishop's council, before 1792, could have dissolved the Church, the plaintiffs have not presented a scrap of evidence that the General Conference, after 1792, could dissolve the Church.

The only answer I heard suggested to this by my learned brother was, that this Conference must have had all power to dissolve the Church, because it was composed of all the preachers. Because it was composed of all the preachers, did it necessarily have power to destroy the Church? On the contrary, I suppose the question is exactly this: With what powers, and for what purposes, do the preachers appear to have decided, all at once, to introduce and establish a General Conference? That is the question. The question is not, whether all the preachers, assembled under a special call for that purpose, might or might not, at any period before 1808, pull down the Methodist Episcopal Church. That is not the question. The question is, for what purposes, and with what powers, they decided, in point of fact, that they would at once introduce, and make part of their regular polity, a General Conference? We do not advance one solitary step to the solution of that, by being told that all the preachers were members of that Conference. Suppose they were. The very last thing they might have dreamed of on earth would be all at once to set going a body that should have power to destroy the Church. They might have introduced such a General Conference beyond all doubt; but the question is, whether they did so in point of fact. For the proof of that we have to go back again to the language of the constitution of the Church, in which there is not a word about it from beginning to end.

I therefore submit, with very great confidence, at least so much as this, that the plaintiffs have entirely failed to show that even before 1808 this General Conference could ecclesiastically work a division of the Church. There is an utter failure to show it in point of fact. We deny it by our answer. The fair result of the historical investigation seems to be that they did not possess it; and unless it be held that because the preachers might have clothed it with all powers, they necessarily decided so to clothe it, there is a total failure, as far as I can see, of this part of the plaintiffs' case.

The hour of adjournment having arrived, the Court adjourned until to-morrow morning.

SEVENTH DAY.—TUESDAY, MAY 27TH, 1851.

MR. CHOATE resumed,—May it please your Honours, if, on this review, or any review of the history of the Church, and of the Conference of 1792, the Court should be of the opinion that it is a probable inference that that Conference came into existence as a mere body of administration—the last and ripest of the series of administrative agencies—then the case on this point is ended. If your Honours should only doubt on that question, the case on this point is also ended. If, however, you are of opinion that it has been clearly and certainly established as a proposition of historical fact, by the proper species of evidence, and the requisite degree of it, that this Conference, *ab origine*, was clothed with these extraordinary powers, then we have arrived at the question, whether or not the same extraordinary power was bestowed upon the representative General Conference created in 1808? This is a mere matter of intent. It all turns on the single inquiry, and that, I think, is not extended and

not difficult, whether the constituency of 1808 intended, as a matter of intent, to clothe the General representative Conference, which it then, for the first time, brought into existence, with a power to dissolve and destroy, by dividing the Church. For, I take it that it is a universal and elementary proposition, that the powers of a representative and delegated body are exactly what the constituent creator meant to give it—no less and no more. I take this as a universal and elementary proposition, running throughout all agency, as between parties of substitution, of representation, of delegation, from the broadest to the narrowest, that the intention of the constituent defines and measures the power of the delegate. While this is true, undoubtedly, throughout the law of agency, in a general way this is recognised to be true by every school of politics in its application to the highest departments of government under the constitution. Even they who hold that the representative is not to be palsied by the will of his constituents, place themselves on the broad, general, original ground, that the constituent, by the act of creating the representative function, at first intended to clothe the representative, as a matter of intent, with the power and to devolve on him the duty of acting from time to time, of acting upon his own independent judgment, unaffected by the occasional interposition of the irregular and uninstructed will of the constituent. So that I believe I may submit it as a doctrine universally accepted, and everywhere applied, that the will of the constituent is the limit and the measure of the power of the representative.

Turning, then, to this transaction of 1808, in search of the intention of the constituent, I do not know that it is not enough for me to say that I can discern no trace of an intention to confer such power. Your Honours will find the history of that transaction on p. 13 of Proofs No. 1. You will there find that the constituent body began, in the first place, by composing the new representative General Conference, and then, in article 5, on the same page, it proceeds to define the power which it intends to confer. The language is simply and exactly—"The General Conference shall have full power to make rules and regulations for our Church."

Now, resting there, and not advancing to the subject of the restrictions by which this grant of power is presently to be limited in a very important degree, I must say, that I discern no evidence that this bestows the capacity of destroying or dividing the Church at all. On the contrary, what it seems to me I find the constituent body doing is exactly this: The Methodism of the United States had long before decided to become, and to be one Church; had, by a paramount and fundamental law, ordained unity as the form of its organic being; and here, in furtherance and execution of that ordination, it goes on to create a body which, under certain restrictions and limitations, shall make rules for the guidance of the affairs of that unity thus previously created, existing and intending to exist indefinitely. I deduce this as all that the constituent body intends to do in the first place, from the nature of the act that he is doing, and from the character of the actor that is doing it. What is the act being done? And who is the actor that does it? An existing Church, already a quarter of a century old, created by the general Methodism, for a life all but perpetual on earth, having an existing government, is found simply amending a single feature of that government. It is found to be doing nothing less, and nothing more, than altering the third article in the Discipline of the Conference which preceded it. I now respectfully submit that from the act which is being done and the actor who is doing it, from the nature of the act and the actor, the indefinite future existence of the association is properly assumed as a thing beyond controversy, and *abundantly* established and settled; and therefore the implication is simply this—that whereas here is a Church, to exist long, if not forever, and to its administration and government a General Conference is needful, they proceeded to constitute such a General Confer-

ence, with power to make rules and regulations for it during its whole life. That, I submit, is the implication which inevitably results from the nature of the act and the character of the actor. However broad are the terms in which the power is bestowed upon the General Conference, it is all at last to be considered *secundum subjectam materiam*—it is all to be taken back, and rendered *ad hoc* and *ad rem*. It is to be considered at last, however broad the terms in which it is conveyed, as an auxiliary and administrative power alone. Why, is it not so throughout the whole range of analogous law? A power of attorney may be conveyed in language the broadest, putting the agent, apparently in all things, in the condition of the constituent—but it only means at last that he shall have power within the specific agency, and for that particular constituent. A partnership makes an agent with the amplest authority, but he is not to dissolve the partnership; his powers are to be taken to be for the partnership, and under the partnership, and in aid of the partnership; he is not to alter the identity of his constituent, or put an end to his civil life. A corporation, to pursue the same analogy, creates a board of directors, with power to make rules and regulations, and by-laws, for the corporation. Would any body suppose they had power to dissolve the corporation and surrender its charter? Why, of course, the constituent was not dreaming of a dissolution. He reserved all that power and all that subject-matter to his own control; he expects to live a corporate immortality, and on that idea he hires a servant to enable him to live while he lives.

I deduce the same conclusion in the next place from the language in which this power is bestowed upon the General Conference. They are “to have full powers to make rules and regulations.” For what? For Methodism? Certainly not. For Wesleyanism? Certainly not. Rules and regulations for the promulgation and spread of Methodism by the destruction of the Methodist Church? Not at all. But “rules and regulations for our Church”—affectionately and specifically—rules and regulations for Methodism through our Church, through and by that specific instrumentality. They are to have power not to make rules and regulations for the destruction of the Church, but for the Church. That is to say, they shall rule it, it being all the while an existing thing. Who could possibly mistake such language as this, if it were found in any other connexion, or on a question anything less than the momentous one which now engages this Court? If we found the phrase “rules and regulations for our firm,” “rules and regulations for our corporation,” would not everybody understand, as a matter of course, that it meant rules and regulations whereby “our firm,” undissolved, “our corporation,” undismembered, should go on, and order its existing and identical life?

I had not the honour to be present and hear the commentary made the other day, by one of the learned counsel on the other side, upon a case from 1st Peters, which, I believe, is to be cited and commented upon. It is founded on language in the Constitution, supposed to be somewhat analogous to the grant of power to the General Conference, but which, I think, the learned and eminent counsel must admit to be substantially unlike. I will not pause to comment on the language of the Constitution, but my learned friend knows that the subject-matter of the “rules and regulations” referred to in the Constitution, makes all the difference in the world. Congress is to have power to make rules and regulations for the territories. What is to be done with territories? Instead of being preserved in an existing and inflexible identity, the territory is to undergo a thousand changes. It must undergo a thousand transformations before it can reach and achieve the grand uses for which it has been spread out westward. It must be cut in two; it must be made into lots; it must be built up by the hand of man; it must be broken up into plantations and into States, and then, at last, it reaches its ultimate destination. Rules and regulations

for the territory of the United States, I submit, imply necessarily that they are to be rules and regulations that are to attend it through a thousand metamorphoses, enlarging, diminishing, changing, until it reaches its ultimate destiny. The Church, on the other hand, is a perfect identity at the beginning; to translate into English a familiar expression, it is "a fact accomplished;" it is intended to exist until the end of time, enlarging and beautifying itself, if you please, but its identity forever unaffected, and all for an ulterior and specific end. Before I leave the argument, which I do not intend to extend, and on which I have only entered and generally indicated, of the intention of the constituent body in 1792 and 1808, to bestow a power of destruction, I should like to ask my learned friends on the other side, if, in the course of their researches, they have found any breaking out of a *dira cupido* for destruction in the history of the Methodist Episcopal Church, and whether or not, beginning in 1784, and coming down to 1792 and 1808, they find men's thoughts began to be directed to the importance of facilitating the means of breaking the charmed unity, and converting the Church into two, or two thousand; because, I admit, that if they can find historical evidence that the Methodist mind was taking such a direction as that, we should be led the more readily to anticipate that this intention was carried out by lodging such a power of destruction in the bishop's council, or in the Conference of 1808. So far from that being the case, however, is it not most striking and beautiful, that the very preamble by which the Constitution of 1808 was ushered into existence—I have it here in 2 Bangs's Hist., p. 229—solves this problem, and answers the question which I have referred to my learned friends? Before I read that preamble, let me remind the Court that the very problem which we are now investigating is, whether that constituent body was then about lodging in the General Conference a power to destroy the Church. The preamble is:—

"Whereas, it is of the greatest importance that the doctrine, form of government, and general rules of the United Societies in America, be preserved sacred and inviolable; and whereas, every prudent measure should be taken to preserve, strengthen, and perpetuate the union of the Connexion."

Therefore do they on that policy proceed to clothe a body with power to destroy the Church? Certainly not. Before I leave this matter, I wish to notice another topic, and the subject of the restrictions on the power of the General Conference. I have thus far been considering it, independent of the restrictions, upon the general ground of power. I respectfully submit, as I take my leave of this part of the argument, that if any doubt existed, it is removed by the language of these restrictions. My learned brother was pleased to say, that there was no prohibition in these restrictions against dissolving and destroying the Church. I respectfully submit, that that is because no grant of power had been previously given or dreamed to be given, which could be supposed capable of being tormented into a power to divide the Church. But I meet my learned friend beyond that suggestion, by inquiring how we shall possibly account for it, that an assembly of intelligent men, not to say men fit to be out of Bedlam, should have set themselves to work, more like the philosophers of Lilliput, than the intelligence and character of a great denomination like this, to restrain, as they have done here in half a dozen articles of restriction, the exercise of powers comparatively subordinate, and leave so tremendous a power as this unrestrained! how they should sedulously and laboriously prohibit by all manner of man-traps and springs, the cutting off of this leaf or that twig, and yet leave the party entirely at liberty to pluck up the noble tree by the roots! In the humour of restraining, would they not restrain the larger and more formidable power? If, as the historian tells us, to preserve the

unity of the Church, they thought it needful so anxiously to guard its Discipline from change, the rules of its societies from change, the plan of its episcopacy from change, would they leave power to make a direct attack on unity itself? I submit, that the inconsistency of such a proceeding refutes the argument. Look at it. The General Conference shall not have power to alter the articles of religion, but they may alter the Church; they shall not change the creed, but they may kill the believer; they shall not alter the Discipline, but they may create two Churches or two thousand Churches, every one of whom may go off; as I read in the newspapers the other day,—I hope it was not true,—that they had already in South Carolina altered that very Discipline in face of the Discipline which was produced before this Court; they shall not deprive an individual member of his right of trial and appeal in this Church, but they may send them off by thousands and thousands without trial; they shall not so alter the plan of episcopacy, as to say to a Northern bishop, “You shall only go to Mason’s and Dixon’s line on your way South,” and to the Southern bishop, “You shall only go to Mason’s and Dixon’s line on your way North,” but they may with great constitutional propriety say to the Northern bishop, “When you go to Mason’s and Dixon’s line you shall find no Church beyond it,” and to the Southern bishop travelling this way with scrip and sandal, “You shall find no Church north of it.” I respectfully submit, that such inconsistencies as these could not possibly have been entertained and embodied by men fit to represent the grand constructive intellect of Wesley, and perpetuate a system, giving him a fame among the builders of mitres.

So much for the law of 1808. Is any light thrown on this interesting inquiry by what has happened since 1808? Now there are only three occasions on which anything has been done which anybody supposes throws any light on the subject of the inquiry. They are,—1st, the Canada case; 2d, the action of this very body in 1844; and 3d, the action of our own body in 1848. I begin for a moment or two with a few words on the Canada case.

I respectfully submit, that the Canada case affords evidence perfectly conclusive to show that they had not this power in point of fact. What was this Canada case? It was this exactly. The Methodist Episcopal Church from its origin was created by the Methodism of the United States, in consequence of the independence of the United States, in and for the United States alone. Expansive as they have been, the Methodist Church, from the nature of its constitution, and in point of fact, although the very day it came into existence it spread itself to the limits of the territory of the United States, yet it has never exceeded, and it could not exceed the limits of that territory for a hair’s breadth. It may go up to the line; it may meet on the other side of the line a separate and independent Methodist Church, and they may shake hands across the line; they may organize by agreement or compact a connexion, but there it ends. There it is, and there it will remain, nothing in the world but an American Methodist Church in league or in treaty with a foreign and equally independent Methodist Church on the other side of our frontier line. That is the condition of the Methodist polity. I deduce it from the letter of Wesley, who says, that in consequence of the unexpected independence of this nation, he gives it a separate Church. Wesley, as everybody knows, through important periods of his life, clung fast to the old Church of England, and left it with reluctance. He bestowed the boon of a new Church upon American Methodism with reluctance, and he limited the precious grant by the necessity of the case, and that necessity, blessed be God! was a pretty ample and energetic necessity in American independence. He gave it no further than the limits of the United States.

The same thing is proved by the fact that the Church was created by American

citizens. The Conference of 1784, which I denominated an extraordinary convention, that created it, was a conference of American preachers alone, and no work created by their hands could *proprio vigore*, or by its probable destination, have existence without the United States. Your Honours cannot, I think, fail to remember that significant recognition of the political interests of these new United States, which they bring forward into the very constitution of the creation of the Church, their measure and their end, ultimately subordinate to the greater ends they had in view. The Methodist Church then was a Church for this land, it was a Church for all of it : but let that pass.

While this is true, Methodism from the beginning recognised the beautiful enterprise of missions, and therefore it had always been in the habit of sending its missionaries, by their own consent, into Canada. There they met a germ of North American Methodism growing up in Upper and Lower Canada. An acquaintance was matured, and at last it came to pass, that the Canadian Methodist Church conceived a desire to be connected, by such ties as they thought appropriate to such jurisdictions, with the larger and more prosperous Methodism of the United States. Thereupon, as your Honours will find recited on every page of these proofs which contains the history of the Canada case, a compact was made, an agreement was entered into, a league was concluded ; and the result was, not that the Church extended itself to the North pole, or to the line of perpetual congelation, not that it extended beyond its territory, but that it filled up to the territory of the Canadian Church, and that Church occupied the region beyond, and the two then and there meeting, formed this league and brought themselves under that well-known rule of law recognised, I believe, in *2d Denio*, that two Churches entirely independent of each other may voluntarily conclude a treaty of union, which shall leave their identity perfectly distinct, as the sweet and bitter fountains that flow together without mingling, and which union either may terminate without schism, with or without the consent of the other. That was exactly in ecclesiastical law, as I understand it, the condition of these Churches. As it seems not, as a statement of fact, to be entirely appreciated or admitted to be correct on the other side, I shall presently call the attention of the Court to the proofs from which I gather it. I shall find them on the recitals of the gravest and most deliberate action of the General Conference, and I apprehend the Court will receive them as the very highest historical evidence upon a historical inquiry of fact. Such was the transaction.

In that state of things time passed on, and the nationality of the Canadas came to be a little more developed. The political interests of the two countries, which Methodism always recognises, and which I commend to her special care to-day, led to a necessity for separation ; and thereupon Canada applied for a separation of the connexion. Now we come to the constructions of that case. Notwithstanding such had been their relations, although this had not been an identical and homogeneous Church extended by fusion over a common territory, but two Churches identically distinct, connected simply by a conventional tie, yet when the Canada Conference came here to apply for a dissolution of the connexion, the first judgment of the General Conference was, that it exceeded their constitutional powers to grant it, and they thereupon proceeded to announce a set of doctrines, after great deliberation, which give to the winds the assumptions of the hasty and ill-considered proceeding of 1844. In the first place, it was reported by a committee to which the subject was referred, that it was beyond the constitutional power of the General Conference to grant the request in the form in which it was presented. On pp. 34, 35 of Proofs No. 1, your Honours will find, that the committee on Canada affairs, to whom the subject was referred, reported :—

"The committee are unanimously of the opinion, that, however peculiar may be the situation of our brethren in Canada, and however much we may sympathize with them in their present state of perplexity, this General Conference cannot consistently grant them a separate Church establishment, according to the prayer of the petitioners. The committee, therefore, recommend the adoption of the following resolution :—

"1. That, inasmuch as the several annual conferences have not recommended it to the General Conference, it is unconstitutional, and also, under the circumstances, inexpedient, to grant the prayer of the petitioners for a separate Church establishment in Upper Canada."

The extreme anxiety felt in relation to the matter, and the very kind acquaintance that seems to have been entertained, led the Conference to hold the matter under consideration ; and there is very satisfactory evidence to show that it was thereupon subjected to the best lights in that Conference, and after several days of deliberation, it was discovered that the peculiar relations between the two Churches, the fact that they did not constitute one single homogeneous and identical Church, but a league between two independent Churches, afforded a source of power, and indicated a means of escaping from the difficulty. Therefore we find, on page 35, that the following resolve was adopted, on the motion of Mr. Ryerson. This is the second stage to which the deliberations of the Conference conducted them :—

"Whereas the Canada Annual Conference, situated in the Province of Upper Canada, under a foreign government, have, in their memorial, presented to this Conference the disabilities under which they labour in consequence of their union with a foreign ecclesiastical government, and setting forth their desire to be set off as a separate Church establishment ; and whereas, this General Conference disclaim all right to exercise ecclesiastical jurisdiction under such circumstances, except by mutual agreement :—

"*Resolved*, therefore, by the delegates of the annual conferences in General Conference assembled, that the compact existing between the Canada Annual Conference and the Methodist Episcopal Church in the United States, be, and hereby is, dissolved by mutual consent."

I need not say this would be most extraordinary language as applicable to the Methodist Episcopal Church dealing with one of its outlying conferences. I need not say it would not be competent, because it would not be historically true, in such a case, to talk of a "union with a foreign ecclesiastical government," or of a union existing by means of a "compact" voluntarily entered into. Why, the union which binds the Methodist Episcopal Church, its identity and organism, is a union derived from the original act of creation, not something done first, and then that which was first created forming a succession of leagues with various annual conferences ; but *uno et eodem flatu*, by one and the same creative act, by the ordinance of the extraordinary Convention assembled under the letter of Wesley, the Church instantly existed co-extensively with the land, and thenceforward every annual conference, then existing or ever afterwards to exist, came into being, not by virtue of successive compacts, but under and in obedience to the original plan of growth,—they were nothing less and nothing more than successive developments according to the original organic law.

I should not care, for the purposes of this discussion, whether the Conference of 1828 had or had not left the Canada case with the passage of the resolution which I have read. What do they say by that resolution ? That they have power to dissolve the existing Methodist Episcopal Church ? Nothing like it ; but they say, on the contrary, "Whereas we have not the constitutional power to do what we first thought was something resembling it, after a week's study, and a week's prayer to

God, we have found out a legal method by which we can grant the prayer of the petition, and yet abstain from doing anything resembling, in the least degree, a division of the Church; for we have discovered that it is not one Church which is to be cut in two, but only a union between two that is to be divided, and we therefore do it." How different that is from the power of dividing an existing identical Church let one illustration suffice to show. I suppose to-day the general government, with all its power, cannot divide the Union that is committed to its care; but I suppose it very competent, indeed, for the general government, by its appropriate organ, the treaty-making power, or the legislative power, acting under its commercial authority, to put an end to a treaty with England, or with Austria. Therefore, it is not competent for my learned friend to argue that because this Conference have put an end to a treaty with another Church, they have the power to divide their own Church. But the sober second thought of the Conference of 1828 did not dare to leave the matter rest exactly there, and after some more reflection it was discovered that even to go so far would perhaps be to go too far; and, therefore, you find its ultimate opinions on this question, the result of a great deal of thought, of a great deal of conscientious and charitable desire to grant the request, at last embodied on page 37 of Proofs No. 1. The resolution on which I have been remarking was rescinded, and the ultimate determination of the Conference embodied in these words:—

"Resolved, by the delegates of the annual conferences in General Conference assembled, that, whereas the jurisdiction of the Methodist Episcopal Church in the United States of America, has heretofore been extended over the ministers and members in connexion with said Church in the Province of Upper Canada, by mutual agreement, and by the consent and desire of our brethren in that Province; and whereas this General Conference is satisfactorily assured that our brethren in the said Province, under peculiar and pressing circumstances, do now desire to organize themselves into a distinct Methodist Episcopal Church, in friendly relations with the Methodist Episcopal Church in the United States; therefore, be it resolved,"

That if Canada will dissolve the treaty, we will send her a bishop, and assist her in organizing for the new ecclesiastical life on which she will thus have resolved to enter.

There it is exactly. I think no historical and legal inquirer can doubt that the fair construction to be gathered from the Canada case is, that it denies the power to dissolve or divide an identical Church, and the first impression of the Conference was that they could not sever a treaty between them and an independent Church, and afterwards they thought that could be done, but ultimately they receded from even that proposition. That is the whole of the Canada case. I shall refer to it for a moment hereafter, when I come to its bearing on the property question, but I have addressed myself to it now, only as it might be thought to throw light on the judgment of the Conference as to the existence of a power to divide the Church.

Then, the only other occasions on which it may be supposed that any light can be thrown by the action of the General Conference on the question which is now the subject of inquiry, are the proceedings of 1844 and 1848. I did not understand the eminent counsel for the plaintiffs to place great reliance on the proceedings of 1841, as evidence of the law. I do not intend to say anything disrespectful to that body, but it is my duty to remind the Court, that under the circumstances in which it met and did its work, its proceedings, as evidence of the law, will be considered, I think, by no fair inquirer as entitled to any considerable degree of weight, when compared with the more deliberate, and prolonged, and instructive discussions and investigations of the Conference of 1828, on the Canada case. In the first place, this Conference of 1841 was a body assembled in the ordinary way, so that, so far as we can

learn, no constituent to any member elected had the slightest intimation that such a transcendent question as this was coming into consideration at all. Then, the transactions of that body unfitted them for the deep and calm inquiry. The greater part of the time they were together was occupied in debate touching the proceedings in Bishop Andrew's case, and when they arrived at the close of that discussion, somewhat exhausted, a little dispirited and peevish, needing the air of the mountain tops and the firesides of their own families to restore them to their habitual temper, not to say free action of the Methodist brain, they left themselves no time to deliberate on this matter, for the vote was taken on Bishop Andrew's case on Saturday, and on the next Saturday they cut the Church in two, as a man would serve a cucumber, and the intervening time was occupied in writing the Protest and the Reply to it. There is not a particle of evidence that a single member of that Conference ever in his life, before he came or after he came, reflected for half an hour on the constitutional question which is to be decided by this Bench. If I am wrong my learned friend will correct the statement; but I repeat, there is not a particle of evidence that in their preparatory studies, in the annual conferences, they thought of it; there is not a particle of evidence that there were three lines in a newspaper preparing the Church and the country for this thunderbolt out of an unclouded sky. They came in the ordinary course of business to do ordinary business, and were not called for any extraordinary purpose. Being there, under the circumstances to which I have referred, the work is done. Hence, I respectfully submit that it is not high and satisfactory evidence of the law on such a question as this.

I ought to take in this review, and in answer to that in some measure, the proceedings of the General Conference of 1848, which declare a rule of law directly the other way, to the end that the Court may have in a single view all the considerations which may be deemed important on the point. My learned brother does not go further than I do when he says, that he who bereaves me of our South bereaves me of most precious and valued jewels; but he goes a little too far, when he says that the Conference of 1848 met bereaved and shorn of all its strength. Not quite so. On the contrary, the annual conferences in 1848 were most ably represented—public opinion had developed itself; men had cooled. That Conference stood on higher ground. I agree that it then had a somewhat sectional character, but I shall pray your Honours by-and-by to look with some attention on reports in that body on which we rely, to see whether ability enough did not remain, circumstances in other respects being the same, to investigate and elucidate such a question as this. I would state here that the decision in the case cited from Benjamin Monroe, which was read from a pamphlet the other day, was made before 1848, and there was nothing before that decision to show that there was the conflicting judgment of another General Conference on the subject. The mention of that case reminds me of a singular suggestion on the subject of power, which I remember is advanced in the opinion of the Court in that case. I do not know that the learned counsel for the plaintiffs adopted that argument, which certainly would have given a great deal of respectability to it, but it is an argument advanced by the Court in that case, and will therefore come under the observation of your Honours. It is said that if, without any facilities being afforded by the General Conference, the South had gone forward and done this very act, the General Conference would be the body, according to ecclesiastical polity, to go on and arrange and adjust between the separated and mutilated fragments; it would be the constitutional body to draw the new line of boundary and to adjust the terms of future union with the new Church, which convulsion and violence had thus unexpectedly erected by its side; and that, therefore, by analogy, the General Conference should have a power to do in advance that same thing. I

beg to say, that that is the old logical sophism of *ignotum per ignotius*, because there is no manner of certainty that, in such a crisis as that, there would be devolved on the General Conference the absolute power of arranging for a crisis so extraordinary. Nobody knows whether it would be or not. What is the value of the argument in the supposed case? Nobody knows whether it would be devolved on the General Conference by a great moral, civil, or ecclesiastical convulsion, tearing away half the Church. Nobody can show me anything in the history or polity of the Church to prove that the General Conference would be the only body charged with the adjustment of such a crisis as that. On the contrary, I say it is ten thousand times more probable that thereupon the united remaining sovereign will would be assembled *en masse*; for the great question would be, What should then be done with this mutilated fragment? Shall it be deemed that the Methodist Episcopal Church still exists? Or shall it be deemed disintegrated? And hence, until you see that the General Conference would, in such a case, certainly do this, to argue in this way is, in the first place, *ignotum per ignotius*.

There is, however, a deeper difficulty. It does not follow that because the General Conference may act constitutionally on a crisis produced by the action of another, it may therefore proceed and initiate and facilitate that business in advance. I apprehend that before the least weight can be given to such an argument as this, your Honours must see that the power, which it is said they possess in that case, is so exactly like the power they would exert in the supposed case, that you can see no reason why the original constituent body could not have given one as well as the other. Therefore, if you were judicially to discern that the constituent body might perfectly well have clothed them with the constitutional competency to deal with such a case as that, and yet have withheld it from them, then this power does not follow from that power, and there is the fallacy of the argument. Let me take a case—*Quod omen avertat Jupiter!* If a convulsion in one State spread into another and carry off a range of States, that same general government, when that crisis shall have arrived, would be the constitutional body to recognise the foreign existence and to arrange the terms of frontier connexion, to define the line of boundary, and to act on the crisis. Could we infer from that that they could divide the States? So here exactly. I put this argument with very great confidence of its general soundness. Cannot this Court say judicially, perfectly well, that the constituent body of 1808 might have said exactly this to the General Conference: "Consider yourselves charged with the great mission of preserving the unity of the Church; let that unity be first and last in all your thoughts, and counsels, and prayers; if an excited locality hereafter shall come to you and solicit to be let off, discourage them, hang over their heads every terror of the Church, hang over their heads all the undefined terrors of excommunication, and thus, if you can, restrain the dire desire, and bring them back again; but if, unmindful of this your action, they go out, remember you have unity to preserve; what you have, keep and adorn; for unity, take care of what is left, and for unity do not throw out facilities in advance for its dissolution." To tell me, then, that because this body would find itself charged with the great duty of saving all they could, and arranging a frontier of peace with this separated secession, in the case I have been putting, they may therefore divide, is to say that extreme medicine may be made into daily bread, and a shield into a sword of death.

I therefore respectfully submit that that analogy does not, in the slightest degree, apply to the case before the Court, and that unless your Honours do clearly discern that, in arguing from one thing to another in this case, and especially to *ignotius* from *ignotum*, and the reverse, the powers are so identical that one being given the other follows necessarily, neither of the powers is given.

I have said all that I intended to say on the subject of power. I am ready to leave it with a single suggestion. Your Honours are aware that we take another ground, and that is, that if this power existed, it was exerted only on a contingency by the General Conference, *i. e.*, upon a representation made to them by the minority from the South that a necessity would certainly develop itself for such a change, and thereupon, in anticipation of such necessity to be afterwards developed, the General Conference proceeded to do what they have done in the way of a division, and that that contingency never has happened in matter of fact. That is the substance of the point. The minority feared a local excitement. Their brethren of the North said to them, "If you find you must desert them or us, we will let you go." We say they did not find it, but made it so. We say that whether it existed or not, the General Conference next to sit was to decide, or this Court was to decide. If it was the General Conference next to sit which was to decide, they have decided against them. If it was this Court, we respectfully submit that your Honours will decide against them. I propose to submit all that part of the case to the official report on the state of the Church, to be found on page 138 of Proofs No. 1. It is an argument of great ability, embodying all I could wish, and more than I should be able myself, on the same point, to say to the Court. I have done, then, with the question of power and the exertion of the power.

It remains for me very briefly to open, not to attempt to enforce, in the first place, that the legal consequences of this proposition, if maintained, are fatal to the plaintiffs' claim; and, in the next place, that even if this proposition of the want of power or the exertion of it is not maintained, still the plaintiffs cannot sustain their bill. In the first place, and in a general way, if the plaintiffs have voluntarily seceded and separated themselves from membership, without competent ecclesiastical authority terminating their membership, I am not able to understand how it can be seriously contested that their rights of property have also terminated. To avoid that consequence, the plaintiffs must show that the beneficiaries of this fund have such a right that a voluntary unauthorized abandonment of membership does not lose it. This conducts us to the very important question of the nature and limitations of the right of the beneficiaries in this fund. I do not know that we have very much to observe on in the statement made by the eminent counsel for the plaintiffs in regard to the origin and nature of this fund, the Book Concern, except, perhaps, if he will give me leave to say it, a certain degree of indistinctness in the exhibition of the capital qualification, on which all the rights of the beneficiaries in it are limited—that of continued membership. In his interesting outline of its history in a general way, we concur. We may pause to refresh ourselves for a moment. That history goes back to the year 1787. It was very early discerned, as my learned brother has said, that a sacred written literature would be among the most important instrumentalities by which the great ends of this Church could be accomplished. Some books of devotion and worship, at any rate, there must be provided for the humblest and least literate of its numerous and growing congregations. Therefore, as early as 1787 individual preachers appear to have conceived the idea of publishing and circulating such books and creating such a literature as this. To this end, as we gather from history, they began, as we are very apt to begin in America, on borrowed capital. A contribution may have been occasionally made, but the main source of growth undoubtedly was from the profits of the business. It has grown, under the administration of the Church, from 1787, when it was started with \$4,000 capital and \$3,000 debt, to the very large amount of \$750,000—from \$1,000 to \$750,000. These relative sums are not important to the determination of the legal point, though a very large perennial contribution of spiritual, and, I am glad to be able to add, intellectual as well as moral food.

It was very early discerned that this business could be made, not only to support and enlarge itself, but also to yield a surplus of profits ; and it is very interesting to observe, that from its origin it was determined to dedicate that sort of profits to, what we call at the bar, a charitable use,—that is to say, technically and legally, a charitable use, but not at all excluding meritorious service, and giving a great deal more prominence to meritorious service in the beneficiary's title than our friends on the other side contend. From its very origin this fund was devoted to a charitable use. The designation of the beneficiaries and the mode of administering it have varied a little ; but from 1796 to this day, by a law passed in 1796, standing on the record of its Discipline, re-enacted in 1800, re-enacted in 1804, re-enacted in 1808, and continued, that surplus fund has stood explicitly, and irrevocably, and unequivocally devoted to a perfect and well-defined description of beneficiaries—to travelling, supernumerary, superannuated, and exhausted preachers and their families, being, as we say, all the time in membership in the Methodist Episcopal Church. That appropriation of these funds was made by law in 1796 ; to that appropriation of them this Church has adhered, without the interruption of a moment. Under that dedication it has grown up from \$1,000 to \$750,000 ; under that dedication, many laborious men, of the living and the dead, came into the Church, lived there, laboured there, died there, and live there and labour there yet, on the faith of a sound interpretation and an exact form of administration of that trust. And I am here to-day for nothing but the true interpretation of that trust. Find me the beneficiary according to the law, and that beneficiary shall have his share of the funds in the hands of my clients. The Court knows how the matter stands. The trustees are my clients, the book agents on record ; the beneficiaries are the persons indicated ; those who manage the fund are the annual conferences and the General Conference ; and the mode of doing it is this :—these book agents designate the amount to which each annual conference is entitled, and each thereupon draws its amount, calls the beneficiaries, and proceeds to measure to each party according to his claim.

So much for the history. Passing from this to the legal questions, I will not stop to say anything on the first two points which are contained on the plaintiffs' brief, although perhaps they would warrant the criticism that they are somewhat inadequately conceived, a little overstated ; but I pass them without particular remark. It is on arriving at the third point that we find the beginning of the controversy. We think, with very great submission, that the learned and eminent counsel, in this point and in his argument, overstates the right of any beneficiary when he calls it a perfect right, and that they misdescribe it when they call it a right in a fund of earnings in the nature of a partnership derived from work and labour about books. We must submit on this that they fail, as it seems to us, to appreciate that the capital qualification under which every beneficiary is to acquire and hold it, is the qualification of original and continued membership in the Methodist Episcopal Church. That qualification we think they fail, in all its importance, to appreciate. I will not pause at this moment to indicate with what propriety it is said that the right of any beneficiary is a perfect right. In regard to the qualities that are properly attributable to it in a legal point of view, it is a right which began to be acquired by coming within the *designatio personarum*, but it is a right to be maintained and perfected only by the continued performance of certain conditions. He who becomes a travelling preacher initiates a right ; but if he is expelled, as he sometimes is, or if he is located, as he may be, he loses that right. So also of a supernumerary and even of a superannuated. So then I submit that it is a right, beginning by one coming within a certain *designatio personarum*, but which is lost for want of a continuance in official well-doing afterwards.

Nor will I pause at this moment to inquire, because I attach no sort of consequence to it, although there is some diversity of judgment as to that point, if this right of the beneficiary is in the least degree better or worse from the circumstance on which my learned friend places some stress, that the fund has grown from profits on books which the travelling preachers of the society sold. I suppose it altogether immaterial. The right of the beneficiary on this dedication to charitable uses does not depend in the least on the kind of work which, as a travelling preacher, he does, or, as a supernumerary or superannuated, he has done; but the right depends on this—that he became a preacher and continued to be a preacher under the Discipline, under the dedication which gives a preacher a certain allowance and a certain claim on this fund. That I submit in point of law is exactly the origin of the preacher's right. There is no natural right under any circumstances, no right raised by implication for work and labour done. The only requisite is—becoming a travelling preacher, continuing a travelling preacher, continuing a supernumerary or superannuated preacher, under the same dedication, in whatever field of Methodist labour he may have been employed. Whether this preacher was, what they call in some societies, a colporteur of books, is of no importance. He who never carried a book for sale in his life is as clearly within the grant as he who has carried libraries of books. Some preachers carried books and some did not carry them. If he carried them, it adds nothing to his title; if he did not, it detracts nothing from his title. My learned brother will give me leave to say that the most conservative and best instructed on the other side really can find nothing better to put their case on than absolute socialism at last. "He has laboured about the books, and therefore has a natural right to the fund," they say. Is not that socialism? To be sure he has laboured about the books, but the books were not his. Did he write them? No. Did he own them? Certainly not. Did he own their profits? Certainly not. On the contrary, they were the property of another party, to wit, the trustee, for charitable uses, and that party hired him to work for him, and told him, "If you work and be a travelling preacher, supernumerary or superannuated, you will have an interest in this fund." But in the meantime books and profits belonged to his employer, and his right at last cannot be placed or maintained for a minute on any ground but that he is a servant and labourer, and therefore, according to the highest authority, "worthy of his hire," according to the terms of that hire. I shall therefore take it for granted, without stopping to develop it, that while the right is no doubt perfect, in a certain sense, if he continues in well-doing officially to the end, it is not accurately described, it is not described according to law, it is not described according to the jurisprudence of conservation, by the plaintiffs. There is not a labourer in the service of New-York that might not allege an interest in the fund on the same grounds exactly. Does he not carry out the milk? Does he not take care of the chyme? Is it not immediately and directly attributable to his skill that the fund was gathered? Why has he not a right to it? Because he did not work in a state of nature, but under a convention *quae vincit legem*, under a contract with the owner that he should do his work and receive certain wages. I have not therefore attached a great deal of importance to this view, although much has been said about it.

We come directly at last to the great decisive qualification which is overlooked on the other side, whether membership is not an indispensable qualification to initiating a right, and continuing membership indispensable to the continuance of the right. I submit that is perfectly plain—too plain for me to argue for a moment. I do not believe either of the eminent counsel mean to say that there can be any pretence that this description of persons, at the time when their right inchoates and attaches to them at first, are not to be members of the Methodist Episcopal Church. My learned

brother surely does not mean to say that a travelling preacher in Bermuda has a right to this fund. Nobody contends for that. Beyond all doubt, when they first come within the *designatio personarum* on which the right takes its inchoation, they are to be members. The question is, whether they can go away and still be members. I submit that they cannot, for this general reason, that the right is not perfect at the start, but it is a right to be kept alive and matured by a series of service—because the Church may exact duties from him, in the administration of which he may lose the right. The travelling preacher, if he is expelled, loses the right; if he is turned into a local preacher, he loses his right. Now, can it be pretended that while a travelling preacher remains and works in the Methodist Church, and holds his interest on condition that he does not get expelled and does not get located, another preacher, who came into the Church on the same day, can retire from its service, and thus relieve himself from the conditions and inconveniences and qualifications under which the other holds his right, and retain his right? Can he retire, and thus avoid the *onus*, and retain the *commodum*? I respectfully submit that he cannot. The meaning, therefore, of the system is, if he becomes a travelling preacher, if he remains a travelling preacher, he earns a right; but if he lives so that the Church cannot follow him by the conditions, so that it cannot follow him by the qualifications, cannot hold him to any responsibility, his right is gone; or else it is to be conceded that by departing from the Church he may, by his own act, change the tenure of title granted to all alike by the original law. That is just as true of the supernumerary as it is of the travelling preacher. A supernumerary (if my ecclesiastical friends will permit me to say it) is nothing but an officer on shore waiting orders. He is subject to the call of the Church, and is liable to be put in active service, liable to be expelled, liable to be located, as well as another. This seems to be just as true of the superannuated. One would think that if anybody could retire from the Church and retain title, it would be the superannuated, the exhausted preacher. Yet there can be no doubt that he also is required by the discipline of the Church to stay and serve. It is true that his day of active, manly exercise is done, but it is also true that there remains a service of loyalty and love. His silvery cord may be about to be loosened and the bowl to be broken at the fountain, yet he may testify of the Church by the beauty of a declining and ripe age; his lips may continue to speak for her, his hands may continue to be lifted up. Therefore it is that the Church that maintains him, follows him with a duty gentler and gentler, and more and more kindly executed, but a duty to his grave. There is never an hour when the longest official life entitles the most meritorious superannuated preacher to throw off the weight of age, to retire from duty, and yet enjoy support. This is what makes this Church what it is—small pay, hard work, constant superintendence, justice to all men according to the contract. I do not know that it is necessary to add anything to this general argument.

My learned brother cannot conceive how a Methodist going occasionally to a Presbyterian meeting should lose his share of the fund. I think that perhaps it might do him good occasionally to go to a Presbyterian meeting. He may go anywhere until he gets expelled, and do anything that does not terminate membership. That is all. This Church is not strict, this Church is not narrow; and strict, or narrow, or otherwise, while the membership remains undissolved by expulsion, the right remains. My learned friend did not seem to consider that remaining a Methodist was necessary to continue the right. Why, says he, he was to be a preacher, and nothing is said about his being a Methodist. He deduced it, however, that the object was to promote Methodism, and he was a little shocked that a person should lose his right because he was promoting another religion. Does my friend mean to say that in the first instance a man can take a right to the fund because he preaches Methodism? I

suppose he preaches it in Bermuda under the pine trees, or in Canada among the regions of perpetual snow—does he take title? It is perfectly clear that he does not. I submit that it is not accurate to say this fund was created to promote Methodism. It was created by the Methodist Episcopal Church to promote its own efficiency and strength for good, and thus enable it to spread Methodism. That is the object of the Methodist Episcopal Church and of this fund. Then it is not to promote Methodism generally, but to strengthen the Church, to enrich it, to make eloquent tongues, and touch lips as with fire, to the end that by the Church Methodism shall be spread.

Why should I argue the matter at large when we have two such memorable constructions before us as the Canada case and the case of 1844? What was the Canada case, as a property case? I have touched on it at considerable length as it bears on the ecclesiastical question. I submit that it was settled on that occasion with great deliberation, against every wish of every man's heart, that this fund was to be used within these uses for travelling, supernumerary, and superannuated preachers; and that in departing, not merely in peace, but with every benediction of the Church, the Canada Church could take nothing. That is the Canada case. Canada left this Church in peace. Did not the members of the Canadian Church remain Methodists still? Did they not continue to give, in Methodistical spirit, the advice of foreign philanthropy about slavery, to show how affectionately they remembered us? They went in peace, they remained Methodists, and yet you find this Church, by a unanimous and deliberate judgment, declaring that they were not entitled to a farthing. That is the very question now before the Court. I am now departing from the case of unauthorized secession, and speaking of the case of secession authorized, and attended by the greetings of those who gave the leave. In that case it is settled. Your Honours, by referring to the case, will find that there was a strong desire to indulge the Canadians; it was a struggle between conviction and inclination. Your Honours, as men as well as learned judges, will appreciate the value of such a decision as that. It was a decision wrung from the Conference by a perfectly understood sense of duty. We are on that very identical question, Who is within these uses? It is to be devoted to travelling preachers, supernumerary and superannuated. Where and who? Members of what? Members of this Church; and that decision is that if they cease to be such, although by consent of everybody, and affectionate dismissal of everybody, the right was gone.

Have we not a still stronger case in this very proceeding of 1844? Have we not here all but the unanimous judgment of this body, that persons no longer members, even if they depart in peace and by consent, cannot take a dollar? Does not the action of that body record the unanimous judgment of the body, that these uses fail on failure of membership, and that this retirement, although peaceable, is a failure of membership, and that therefore, unless the uses could be enlarged, the retiring member was no longer within them? Was not that the very reason why they recommended to the annual conferences a change in the restrictive article? I suppose then we have here the highest evidence of law; we have the contemporaneous exposition of its makers, under extraordinary circumstances, and they certainly relieve me from the trouble of pursuing the argument further. I had intended to trace the connexion between such an association as this and a partnership; but I remember by whom I am to be followed, on the part of these defendants, and I gladly relieve the Court from the further consideration of this part of the case.

Then, if this be so, the case is ended in every view. Authorized or unauthorized, membership has gone, and with membership right is gone. The only answer to this, which we have been able to appreciate, is, that the old Church is destroyed, and

two new ones created upon its site, and upon that destruction everybody was remitted to his natural rights—the ship had gone ashore, and every man was to get a nail or a plank as he could—everybody upon that dissolution is remitted to his natural right, as in a joint-stock company or in a partnership. That is the only case, as I understand, which is left for the plaintiffs. To this there are four answers, each of which is, I think, equally decisive. In the first place, I have already argued that the General Conference has no power ecclesiastically to destroy the Church. I am not now speaking of a division leaving the old identity untouched. I have argued that they cannot destroy the Church, and raise two or two thousand Churches from its ashes. In the next place, the General Conference in this great transaction did not assume to destroy the Church, but on the contrary, the Plan of Separation, from beginning to end, shows that what they intended to do was to authorize a departure, leaving the old identity untouched. If your Honours will do me the favour to look into the Plan as it is stated in the bill you will find:—1st That the General Conference never assumed, in terms, to destroy the Church. 2d. That they never assumed, in terms, to divide the Church. On the other hand, it is quite striking to remark, that while it speaks of a division of property, it never speaks of a division of the Church, but simply and merely of a separation of parties from the Church; it deals throughout with a contemplated act of other persons, and calls that act a separation by them, and all it authorizes is a separation by others leaving itself to exist. It calls itself by the old name of Methodist Episcopal Church, and designates the new one, thus to be erected, by the name of the Methodist Episcopal Church, South; and I submit that to retain the name is to retain the identity. I would call the attention of the Court to a single section in the bill on page 4. It embodies the entire theory of the Plan of Separation. Article 2 of the Plan of Separation says:—

“That ministers, local and travelling, of every grade and office in the Methodist Episcopal Church, may, as they prefer, remain in that Church, or, without blame, attach themselves to the Church, South.”

Your Honours will find the proof of my argument on pp. 4, 5, and 6 of the bill. In that connexion, I may be permitted to say, that such is the view of this transaction taken in 7 Ben. Monroe, p. 507, in the case which has been cited. (For extract, see p. 368.)

Let me add two auxiliary suggestions. The first is, That the Louisville Convention throughout all their resolutions say nothing at all of a division of the Church, but characterize their own act as a separation from an identity already existing, and which it leaves exactly as it was before, only abridged. 2d. The frame of the plaintiffs' bill so treats the affair. They do not call us, or anybody representing us, a new Church, nor these defendants the agents of a new Church; but it is assumed throughout that the old Methodist Episcopal Church exists *ab eo nomine*. If your Honours will turn to pp. 10 and 11 of the bill, you will find this remark abundantly verified.

In the third place, not only does the General Conference not assume to destroy, and thus to allow the plaintiffs to interpose their theory of the natural right of all the stockholders, but it goes further. It does not content itself with authorizing a separation and stopping there, but it goes further, and takes care to ordain solicitously that the party seceding shall have nothing at all on the ground of natural right, nothing at all on the ground of natural equity, attaching to dissolution and growing out of an old *quantum meruit* for work and labour about books, but that he shall have nothing except according to the existing law of the society—except the annual conferences would give it. I think we find here evidence of the proposition. Then in the bill to which I have been making reference, we find evidence of it also. The

work was consummated by the Conference, and I submit that no man is to take anything on the ground of natural right—no man is to take anything except under the *lex societatis*, i. e., if the annual conferences will give it, and they recommend them to do so. Instead of a dissolution, there was a withdrawal of parties; and it was ordained that everybody not withdrawing, should be subject to the still existing law of the society. Therefore, I submit that it is impossible, against this reiterated question of intent, that the plaintiffs can imply a constructive equity on which they can come in and insist upon remission to natural right.

Is it not perfectly plain, as a matter of meaning, that the General Conference intends that nobody shall take a dollar by secession or natural right, unless the annual conferences give it? Is it not absurd to suppose they would go on providing, that if the annual conference do so and so, something shall follow, if they meant to ordain, whether the annual conferences do so or not, that every man should have part of the fund? Is it not perfectly obvious that they meant to recognise the law of the society as in force, to interpret it as giving the property only to members, and thereupon to confine their action to the advisory alteration of the use without which no right was to arise at all? Is it not then perfectly plain, that against this ordinance of the General Conference on this express agreement no possible implication can be raised? How can the plaintiffs take a part of this bill and reject the rest? Can they take so much of it as suits them, and go for natural equity for the rest of it? Would the Conference of 1844 have divided the Church, if the effect would be to let in natural right, on which the seceder should take as much as he that remained, when they were sitting under a constitution expressly prohibiting them from committing any such act?

Finally and fourthly, there is another answer to the suggestion that the division lets the plaintiffs in on natural equity against the meaning of the Conference; and it is, that if such must be the effect, whether the General Conference can by express declaration help it or not, we know they had no power to make a dissolution. Your Honours will observe that it adds another element to the argument I had the honour to submit yesterday, whether ecclesiastically they can divide or not. If it be so that a division, in spite of the General Conference and everything they can ordain to qualify it, must necessarily carry the property out of its use, by carrying it to one not a member, we know they cannot make it, because they are a representative body, with no power but what the constituent gives; and we know by the terms of the constitution under which they exist, that they are forbidden to do that act directly, and they cannot do indirectly what they cannot do directly. Therefore, I say that if the General Conference is so situated, that it cannot divide this Church without the additional consequence that the property goes to one not entitled, it follows that they cannot divide the Church, and that is no great harm in my humble judgment. They cannot divide, if to divide is to break the constitution. They cannot grasp doubtful ecclesiastical power with the effect of violating plain civil right.

I need not, then, in conclusion, suggest the other point which, however, I believe, stands on proof that the annual conferences and General Conference together could not set this use at large. The general grant may be thus stated. The right is in cestique and his continuing a member. Therefore, if the annual conferences had acted on this recommendation, they could not have given the fund to the retiring members. Such was the original grant. The use was created in 1792 or 1800, and renewed in 1804, and it became the law of the Church, and thenceforward I suppose remained the law of the Church. The authorities for the proposition are on the brief. It is, however, a moot-point, and of no sort of consequence, as the annual conferences did not unite in agreeing to the recommendation.

I have been too much indulged by the kindness of the Court to trespass for another moment on your Honours' attention. I have certainly supposed that the plaintiffs have no legal and no equitable right to the relief for which they ask, in any of the forms in which they ask for it. I cannot admit that they have been misled into their present position by any act of the defendants. The General Conference did for them all it could ; it recommended to the annual conferences to rescind. They did not rescind. The plaintiffs will give me leave to say that they knew perfectly well from the beginning, and at every step they took, that they took it under the hazards of the action of the annual conferences, and that they ran the risk of an unfavourable judgment, even if they themselves did not procure that unfavourable judgment. One consolation and one certainty we have. We know that the law of the case will be discerned and applied. We know perfectly well that whatever may be the result of the case, or the result of the general controversy, it will vindicate and exemplify, what needs neither to be vindicated nor exemplified—the administration of justice according to a settled rule. With the consequences of their judgments, this Court is not in the habit of troubling itself in advance to inquire. But I may be permitted to say for myself at the bar, looking a little beyond the immediate professional inquiry here involved, that I do not know that there is anything this day which a wise man and a lover of his country should as much desire as the re-establishment, in some good measure, of the Methodist Episcopal Church, one Church again for the North and the South. Whether and to what extent one may surely entertain such a hope as that, I am sure I have not a satisfactory means of determining. For myself, let me tell the Court, however, before I take my leave of them, that my clients this day are a Methodist Episcopal Church for North and South, shorn of some beams, bereaved of some auxiliary talent, and impaired to some extent of their strength and means of utility. These defendants are this day still a Church for the North and the South. This Methodist Episcopal Church, the old organization, exists this day in many a slave State. In Delaware, in Maryland, in Eastern Virginia, in Western Virginia, in Kentucky, in Missouri, in Arkansas, in Texas, it has thousands of attached affectionate adherents. I rejoice to be able to believe that it is enlarging. I will not deny that, and in addition to the reasons of gratification with which I believe the law of the case is with the defendants, I feel also that a decision in their favour will do something to enable this Church to enlarge itself in that direction, will add something to its means of winning back, by its ample provisions and its ever open arms, the whole ancient household of its faith.

MR. WOON,—May it please your Honours, so much time has already been occupied in the investigation of this case, and the evidence has been so fully and so ably sifted and detailed by the opening counsel on both sides, that I think it would be a waste of time for the closing counsel to occupy much of your attention in going over the evidence. I shall therefore condense the remarks which I propose to make on that branch of the case in as narrow a space as possible, and confine myself principally to the argument of the law of the case, considering the facts in a great measure as already fully developed before the Court.

It is important that we should understand, at the very threshold of this argument, the precise issue between these parties. The plaintiffs in this case, claim a portion of this fund, corresponding in amount with the relative proportion of the members who have gone off from the Methodist Episcopal Church, and formed the new Church, South. They have brought this suit for the purpose of recovering this property. There has been an actual separation of the ecclesiastical body. That is not disputed ; and the question now is, whether that separation entitles them to

recover and receive a ratable proportion of the property, the income of which belongs to certain beneficiaries for the time being, who are attached to the Methodist Episcopal Church. That is the important issue between the parties in this cause. It certainly is a most unfortunate controversy—for if there are any subjects which ought to be kept out of dispute, which ought to be marked emphatically with the spirit of peace, they are religious subjects. Every controversy of the kind has a most deleterious effect upon the morals of the community. The rising generation lose, in a great measure, their respect for religion, when they see the heads of the Church quarrelling and dividing. We have seen the baneful influence of these controversies in divisions of other Churches which have heretofore taken place; and I will venture to say that the Methodist Episcopal Church and the Church, South, will soon discover it, by sad experience. But there is another point of view in which it is unfortunate. This Methodist Episcopal Church, in its territorial jurisdiction, is commensurate with the entire Union. It is one of the largest Churches in this country. It has been the pioneer of religion. It has gone on with the advance of civilization and improvement in this country. It has carried religion along with settlement and civilization, and has ameliorated the condition of the different classes of the community upon our gradually extending borders. A division of this kind, therefore, may be said, in some measure, to be a national concern; and when we find in the present condition of our country, that there has been, as is admitted on all hands, and as many believe still to exist, serious danger threatening the unity of this federal government, it is of importance that a controversy of this kind should, if possible, be adjusted, and it is to be seriously regretted that such a controversy has arisen. It is seriously to be regretted that the Southern members of this Church have thought proper to bring their claim into a court of justice, more especially while it was in a course of amicable adjustment, and when, with a little more patience and forbearance, there was every probability that it would be finally adjusted. But, unfortunately, they have commenced this controversy, and it is our duty now to defend ourselves.

The counsel on the other side have mainly rested their claim upon grounds which appear to me to be entirely fallacious. They seem to look upon themselves, or rather upon the beneficiaries whom they say they represent, in what is called the Southern branch of this Church, as having a sort of vested right to this property. They draw a distinction between property which has been given to a Church, and property which has been acquired by the labour of individuals belonging to a Church. They treat this as property of the latter kind, and they claim they have a right to it, a vested right; and upon the division of this Church they are entitled, as in the case of a partnership or tenancy in common, to have a division of the property and receive a ratable proportion. It appears to me that this is an entirely erroneous view of this subject. I am aware they are somewhat warranted in this course of remark by the decision which was made in the Maysville case, which they refer to, and on which they mainly rely. But I trust I shall be able to satisfy this Court that the principles upon which that decision rests, and the principles upon which they now base their claim, are entirely fallacious and unfounded.

I consider, and they admit, I believe, in their claim, that their rights in this case depend upon the law of charitable uses. It is important, therefore, that we should understand precisely the nature of that kind of property, and of the claim which they make. A charitable use is a *public* use. It is called charitable mainly because the largest portion of that kind of public property in every Christian country is based upon a charitable foundation. There are four elements in every class of charitable use. There are, in the first place, the founders of, and contributors to, the charity, those who have created and bestowed the property or the funds to the charitable pur-

poses. There are, in the second place, the trustees of the charity, those who hold the legal estate in trust. In the third place, there are the managers of the charity, those who take charge of it, who conduct it, and who distribute it. Managers are essentially necessary, because there are no certain persons taking a temporal interest in the property. And, lastly, there are the beneficiaries among whom the property is distributed, according to the purpose of the charity, the use which was originally impressed upon it. The management of the charity is according to the scheme or plan which was originally impressed upon it by the founders, or where it is of a general nature, and a charity at large as it is called, a court of equity which protects all kinds of uses, takes charge of it and establishes a scheme. Such a scheme will be found in the case of *Mogridge vs. Thackwell*, in 7 Vesey's Reports.

These beneficiaries in this case have no vested estate, no fixed right, and hence they have no power of alienation. They cannot dispose of this property. Suppose, before any division of this Church took place, all the superannuated and supernumerary ministers of the Church for the time being, all who come within the description of the beneficiaries of this charity, had undertaken to alienate, what would the alienation have been good for? The attempt would have been perfectly visionary. They would have had no right to do it. They have no right, except as they answer the description of the beneficiaries, to receive from time to time the income or profits of the fund, as it is dealt out by the managers in the administration of the charity. Their right, therefore, is enforced and managed by the managers of the charity according to the scheme, and their right too in a court of equity, wherever it comes into dispute or difficulty, as between them and the trustees, managers or founders, is protected by the attorney-general. Your Honours will find in the case of *Duke vs. Fuller*, 9 New-Hampshire Reports, 536, a case which will fully illustrate this subject. That was the case of a charitable use, in which the beneficiaries of the charity undertook to dissolve the institution altogether, and to divide the funds among themselves individually. A bill was filed by the attorney-general in order to deprive them of the property which they had thus taken and appropriated among themselves, to establish the charity, and to have a plan devised and adopted for the administration of it. The claim in that case was enforced by the Court. Well, if in the case cited, as the counsel on the other side seem to think is the case here, the property really belonged to these beneficiaries; if they had acquired it, and they were to be considered as tenants in common of the fund, they would have had a right to divide it, to dispose of it as they pleased, each individual to alienate his share. But if it is under a charitable use, and if they are entitled to nothing more than a portion of the funds as administered under the charity, then they take them whenever they are doled out in that way; and they have no other right, except what is derived in that manner under the management of the charity.

This law of charitable use is enforced in this State and in this country. It has been involved, I admit, in a good deal of doubt and difficulty heretofore. But I believe it has come now to be thoroughly understood. You will find it adopted in this State in the case of the Garden-street church, 7 Page, 78; and you will find that the chancellor, too, in that case, takes back some positions which he had advanced in another case at an earlier period. You will find it further devolved in the case of *Shotwell vs. Mott*, 2 Sandford's Chancery Reports, page 46, and in *Vulcan vs. Yates*, 3 Barbour's Chancery Reports, 242. I will not detain the Court with reading these authorities—you will have an opportunity of referring to them at your leisure. This doctrine has now been adopted and fully settled in the United States Courts. This was done in the case of *Vidall vs. Girard's Executors*, 2 Howard's Reports, 195. The subject had been enveloped in some doubt by a decision made

by that Court in the *Baptist Association vs. Hart's Executors*, 4 Wheaton's Reports. In this case a doubt had been raised, whether these charitable uses were recognised at all by the law of England, except as they were protected and enforced under the statute of Elizabeth. In the case of *Burr's Executors vs. Smith*, 7 Vermont Reports, where the subject was investigated, that decision of the Supreme Court in the 4th of Wheaton was not followed, and a vast variety of authorities were cited, showing conclusively that this law of charitable use existed in England long prior to the statute of Elizabeth; and there was as much evidence, I think I may venture to say more evidence, in support of that head of equity existing anterior to the reign of Elizabeth, than of any other equity doctrine whatever that can be adduced. That case of the Baptist Association, however, was regarded in various State courts as authority for some time, but it was finally abandoned in the case in 2 Howard. I will refer the Court to a case in Georgia, *Beale vs. Fox*, 4 Georgia Reports, 404, where you will find that subject ably treated and fully investigated; and I think it may now be put down as settled, that this law of charitable uses exists at common law, independently of the statute of Elizabeth, and that it is enforced wherever the common law prevails, and wherever charities exist of this public kind, although the statute of Elizabeth may not have been introduced.

A question, however, arises here which I shall briefly consider, because it is of some importance to the case, and that is, whether this law has been repealed in this State by the Revised Statutes. This charity was created, of course, long prior to the introduction of these Revised Statutes. But it may be said, if it has been repealed by the Revised Statutes, all the property of this Book Concern acquired since such repeal, and which is now held by subsequent acquisitions, is not protected by the law of charitable use. I must admit in candour that there has been one decision in one of our Supreme Courts—I mean one of those various Supreme Courts which have been lately created in this State—which goes the length of declaring that they have been repealed. But I apprehend it has not yet gained such a footing in this State as to be considered as settled law; and I think your Honours will come to the conclusion that it is entirely fallacious. There are two grounds upon which this doctrine rests. One is, that the chapter in the Revised Statutes which treats of trusts begins by stating that all trusts are abolished, except those contained in that chapter. Your Honours are perfectly aware that general words are always construed in reference to the particular subject-matter; and you will find that that whole chapter treats of *private* trusts, not of public trusts and public uses, which are entirely different; and it is confined, too, to private trusts of *real* property. It does not touch personal estate; it does not touch charitable uses. Every man, who is at all familiar with the doctrine of charitable uses, knows perfectly well that it is as different from the law of private trusts as public crimes are different from private trespasses. And you might just as well contend that a statute which made especial provision in regard to private trespasses, covered and applied to public crimes, as to say that a statute which makes provision in regard to private trusts of real property, has any bearing upon public charitable uses. They are entirely different in their nature and in their character. They are always treated differently, and they are generally treated in authors separately and distinctly. I took occasion the other day to look over the law of trust as it is explained in "*Tickling on Equitable Estates*," the object of which is to show the analogy between equitable interests created by trusts, and legal estates. There is not one word in that book upon the subject of charitable uses. And on the contrary, in works which treat of charitable uses, such as *Duke and Shelford*, you find nothing on the subject of private trusts, unless it is in some particular case where an analogy exists, and where it is followed out.

There is another ground relied upon for the purpose of showing that all these cases of charitable uses are repealed by the Revised Statutes, and that is the provision which is contained in those statutes in regard to perpetuities. They are brought within narrower limits. The alienation of property shall not be prevented now beyond two lives in being at the creation of the estate, and inasmuch as in the case of charitable uses the equitable interest is in perpetuity, it has been held that that repeals the whole doctrine of charitable uses. May it please your Honours, the law of perpetuity itself as it has always been understood in England and in this country, was in perfect harmony with the existence of these charitable uses. It was never considered as extending to these public uses beyond the legal estate, and yet the law of perpetuity has always been enforced. Before the creation of this provision in the Revised Statutes, the restriction in alienation extended only to lives in being at the creation of the estate ; but the Revised Statutes confined it to two lives, and that is the difference between them. Well, now, will it be pretended that a mere alteration in the law of perpetuity, as to the time of its continuance, has the effect of extending it to a subject which was never embraced in that law at all—to a public use ? Your Honours are aware that after the decision upon Thellison's will, the Thellison act was passed, which made an alteration, and imposed some new restrictions upon the law of perpetuity, but what lawyer in Westminster Hall ever dreamed that that altered and destroyed the law of charitable uses ? Now, why should an alteration in the mere time of continuance of the perpetuity in our statutes have the effect of abolishing the law of charitable uses ? Real estate could always be alienated under the law of charitable uses, but it is done under the sanction of a court of chancery. If the alienation of the legal estate in real property, therefore, was protected, under the law of perpetuity, it could not be bound up beyond the limits which the law of perpetuity allowed. The equitable use was always an exception to that law, so far forth as the equitable use continued attached to the property in which the proceeds of the alienation was invested, and I apprehend that there is nothing in the Revised Statutes which has, in any particular whatever, altered that exception ; and that you will, therefore, consider in this case, that the law of charitable use applies to all this property, as well that which has been acquired since as that which was acquired before the Revised Statutes went into effect.

It is true, in some few cases, since the adoption of that code, the legislature have authorized and regulated the holding of this kind of property, but it has been done at the instance of applicants, out of abundant caution. In the same way special provisions have been inserted in manufacturing charters, like those in the general act, applicable to all such companies. It would be a poor compliment to the revisers who assisted in framing that code, to suppose that they would recommend the entire abolition of this law, and throw all the property invested—and which, from the nature of things, will continue to be invested in that way while Christianity lasts—completely afloat.

Having considered the general elements of a charitable use, with a view to this claim for a division of the property, I shall next consider them in reference to this particular case. You will find here all the elements which I have already considered as existing ordinarily in the creation of a charitable use. You have the founders of this charity. Who are the founders ? Those who originally advanced the funds ; and you have those, too, who have subsequently taken up those funds, and by industry, exertion, and cultivation, have improved and enlarged them from some 3,000 or 4,000 dollars, to some 700,000 or 800,000. All these persons are the contributors to this charity. Some, perhaps, originally contributed money ; others have contributed their services and labours ; but they all constitute contributions to this charitable

fund; and all who have participated in the original creation or in the accumulation of this fund, are to be considered as the contributors of this charity. You have, in the next place, the trustees to hold the legal estate subject to this trust. They are now brought before this Court as defendants to this suit. It sometimes happens that more than one of these different offices or functions are vested in the same persons. Sometimes the trustees are also the managers of the charity. Sometimes they are distinct. In this case the functions are distinct. The managers of this charity are the Methodist Episcopal Church in the United States of America—the Methodist Episcopal Church as an organized, ecclesiastical institution, acting in an organized form. There is one additional peculiarity about this charity, to which I will call the attention of the Court, and that is, that the managers of the charity themselves exist under the law of charitable uses. The Methodist Episcopal Church, as an ecclesiastical body, entitled to hold property, entitled to temporalities, entitled to legal privileges, holds them all under the law of charitable or pious uses, and the institution itself exists under that law. In this case, however, we are to look upon them principally as the managers of this charity. And how are they to manage it? They manage it through their General Conference and their annual conferences, all participating, in their respective spheres, in the management of this concern, and in the distribution of the profits among the beneficiaries. The General Conference performs its functions. It takes the general direction and superintendency over the whole concern; it appoints the trustees and changes the trustees. The annual conferences perform their functions. They seek out the beneficiaries who are entitled to relief, and in their respective local jurisdictions, after receiving from the trustees their respective shares of the income, distribute those shares among the various beneficiaries within their respective local jurisdictions. Here you have the managers of this fund. In the last place, you have the beneficiaries. Who are they? They are the superannuated and supernumerary travelling preachers of the Church, their wives and children, and, in the case of death, their widows and children. They are the beneficiaries of this charity. They take this income as it is thus doled out in charity, and they take it as answering the description of beneficiaries. They must be *designatio personarum* of the charity, to entitle them to take anything; and if they do not answer that description, they are entitled to nothing. What is that description? Is it all poor persons, paupers, who happen to be within the territorial jurisdiction of the Methodist Episcopal Church? Not at all. Is it all ministers who are superannuated, and who are entitled to relief on a claim of relief? Not at all. Is it all Methodist ministers? By no means. It is the superannuated and supernumerary ministers of the Methodist Episcopal Church, of that body thus organized—that body under whose auspices this fund was originally created, and under whose management and direction this fund has subsequently accumulated. They are the beneficiaries. They must answer that description to entitle them to take. If they do not answer it, they cannot take. In order to answer to that description, what must they be? They must be of the Methodist Episcopal Church. And what is this Methodist Episcopal Church? It is a unity. It is a body, not exactly incorporated under the law, but it is a body possessing, to a certain extent—so far as respects its charitable purposes, and in a court of equity, and in reference to property—a corporate capacity. It has precisely in equity that sort of a capacity, which an association of individuals, who are not a mere partnership or a tenancy in common, at law have, when they are at liberty to act in a certain collective capacity, if not actually clothed with all the powers and attributes of a corporation. Your Honours are aware of the existence of that class of bodies generally called *quasi* corporations, and that is the character in a court of equity of the Methodist Episcopal Church.

And in all charitable uses, the bodies and individuals when they take under the charity, in succession, take in that *quasi* corporate capacity.

I will refer the Court, upon this subject, to a passage or two, in the opinion of the Court, in the case of *Decow vs. Hendrickson*. It is fully reported, but not in any regular Book of Reports. It is a leading case in this country upon this subject ; and the opinion is collected in a book, as it was delivered in the Court below, by Chief Justice Ewing, who, as every one acquainted with him knows, was a very profound lawyer. He bestowed upon this subject a vast deal of attention. I will read from pp. 21 and 39 of the opinion. He is describing the yearly meeting of the Society of Friends, which is held in Philadelphia, which was never incorporated. It was an ecclesiastical institution. The property in question, in this case, was under that religious institution, the yearly meeting being at its head. The question which arose in that case was, which of the subordinate meetings, which had become divided, and claimed this property, was entitled to it. In order to settle that question, as there had been a division in the head of the Church, the yearly meeting—which, in this particular, answers to this General Conference in the Methodist Episcopal Church—it became important to inquire into the character of that body, and which of those two separate institutions was the legitimate yearly meeting. What I now read is the description he gives of that body, as a charitable use protected under its law, and according to which law that case was to be decided. He says, at page 21,—

“ This body was not a mere incidental, casual, disconnected assemblage, convening without previous arrangement, ceasing to exist when its members separated, and formed anew when individuals came together again at some subsequent time. It was a regularly organized and established body, holding stated sessions, corresponding with other bodies of the same religious denomination, consulting together for the welfare of a portion of their Church and its members, the ultimate arbiter of all differences, and the common head and governor of all belonging to the Society of Friends within its jurisdiction, which extended over the territories just mentioned, while they were called Provinces, and since they assumed the name and rank of States. The meetings of this body were annually held, as its name imports, and as long and steady usage has wrought into a part of its structure. The time and place of convention are subject to its control, and have accordingly, in several instances, been fixed and altered by it. The time and place, however, when and where only the body can constitutionally assemble and act, must, when fixed, so remain, until the voice of the body, in a yearly meeting capacity, which alone has the power and right to govern its own proceedings, shall resolve on and enact a change.”

I will read another passage from p. 39. Speaking of a resolution of this body, he says :—

“ The resolve was an act, not of private or individual benevolence, but of this meeting in its collective capacity.”

If this meeting is to be considered an organized body, having existence in an organized form, and as such performing functions and having a “ collective capacity,” the consequence is that it is of a corporate character so far. You will find this same doctrine laid down in *Shelford on Montmaine*, p. 712. The case of *McGurr vs. Aaron*, in 2d Pennsylvania Reports, was one where this same doctrine came up. In that case the property was limited to the support of a minister of a certain Church and his successors. Why, your Honours are aware that no property can be limited in that way, under any legal title, or in any creation of any private trust, and in such cases the property cannot go to successors. Yet, under this law of charitable use, it can be limited to the successors. In these cases of charitable uses, the majority, as a general rule, dispose of the property, and that doctrine is laid down in *Shelford on Charitable Uses*, p. 712. But in the case of private property held by a private asso-

ciation of individuals, a majority cannot control it. Each one has a right, as a tenant in common, to his respective share, and he can alienate that right. But the majority of the individuals have no control over it. But that is not so in the case of a charitable use. An attempt was made, in a private association, to transfer the property, by a majority, without all joining, and it was decided to be unavailable, in the case of *Livingston vs. Lynch*, 4 Johnson's Reports, 573.

If I am right in this view of the subject, then we have a case where these beneficiaries take no vested title ; nothing that they can dispose of ; nothing that they can claim in any other way than simply under the management of this charity, and they must necessarily answer the description of the objects of the charity. How do they overcome this doctrine on the other side ? On what does that decision in the Maysville case rest ? The gentleman tells us that this property is not *given*—that it is no donation—that it was acquired by these travelling preachers ? Suppose it was ; does that alter the case ? Who were to claim it ? Can the travelling ministers claim it ? Have they in fact devoted the fund to their own private use, as an association of individuals ? Nothing like it. On the contrary, they have devoted it to a certain purpose, and that is, such that the income is to be bestowed upon the superannuated, supernumerary travelling ministers, their wives, widows, and children. These are the individuals upon whom it is bestowed. These are the persons who are entitled to the income. The travelling ministers, therefore, cannot claim it. It is, so far as they are concerned, a donation by them to the Church, and they, the trustees, hold it in trust, not for them as donors and founders, but for the individuals who are the objects of charity. It is, therefore, just as much a case of donation, as if one individual should bestow a capital of one hundred thousand dollars, for the purpose of applying the income to the support of these supernumerary and superannuated ministers. It is no answer to this to tell us, that some of these persons who become supernumerary and superannuated ministers, may originally have contributed a portion of this fund. That does not alter the case. That gives them no greater right, nor does it deprive them of any benefit.

Let me illustrate my view of the case upon this branch of the subject, because it is a main point on the other side. Let us suppose a class of mechanics in New-York—for instance, masons—should create a fund ; that each should contribute a certain sum, say five dollars a year ; that it should be put into the hands of trustees to be managed ; that a certain religious society should be appointed managers of that fund ; and that the profits should, from time to time, be distributed among the superannuated mechanics of that description, their wives, widows, and children : would not that be a charitable use ? Unquestionably it would. Here would be a donation. It would not be a donation of one individual, or of a few individuals ; it would be a donation by a body of men. It would be a donation devoted to a charity. It would be a donation devoted to persons answering a certain description. They would be, of course, a portion of those who had originally contributed, some more, some less, some perhaps lately come in, and become superannuated, before they contributed anything at all : it would be a charitable use. It would have all the elements of a charity ; it would have the donors, the trustees, the managers, and the beneficiaries.

Let me suppose another case. Suppose that some fifty of these mechanics should contribute certain funds, that should be put into the hands of trustees to be managed for the purposes of speculation, and the profits to be divided, not among certain beneficiaries, objects of charity, who answer a certain description, from time to time, but among the donors themselves, in proportion to their respective shares. Here they would be entitled to it as tenants in common. They would have private rights. They would have the power of alienating their respective portions of the fund, and

bringing in others as their alienees, as tenants in common, and be entitled, at any time, to make a division of that property, and on a division, each would take a ratable proportion of the original funds and property of the concern, with the accumulations. That illustrates the distinction between these tenancies in common in a private trust, and a case of charitable use. In the latter case, all would have to join in a suit; all could bring a suit; all might alienate the entire property; any one individual could alienate his portion of the property at any time; and it would be perfectly immaterial whether they held it at law or in equity, because there is a complete analogy between private trusts in equity and a legal estate as protected by the common law. But in the case of a charitable use it is entirely different; and I will take the liberty, in order to explain this doctrine further, and show the distinction, to refer your Honours to the existence of this doctrine as it stood before it was introduced into the common law. I will read from 7 Vermont Reports, 246 :—

“The doctrine of charitable uses had its origin in the civil law. Hence it spread through the different countries of modern Europe.

“In Domat’s Civil Law, vol. 2, pp. 168, 169, 170, (book iv, § vii,) are the following passages: ‘Legacies to pious uses are those legacies that are destined to some work of charity, whether they relate to spiritual or temporal concerns. Thus a legacy of ornaments for a church, a legacy for the maintenance of a clergyman, to instruct poor children, and a legacy for their sustenance, are legacies to pious uses.

“‘We may make this a just difference between legacies to pious uses and the other sorts of legacies, that the name of legacies to pious uses is properly given only to those legacies which are destined to some work of piety and charity, and which have their motives independent of the consideration which the merit of the legatees might procure them; whereas the other legacies have their motives confined to the consideration of some particular person, or are destined to some other use than to a work of piety and charity.

“All legacies which have not for their motive the particular consideration of some person, are not for all that of the number of legacies to pious uses, although they be destined for a public good, if that good be any other than a work of piety or charity. Thus a legacy destined for some public ornament, such as the gate of a city, for the embellishment or conveniency of some public place, and others of the like nature, or a legacy of a prize to be given to some person who should excel others in some art or science, would be legacies of another nature than those to pious uses.

“‘If a pious legacy were destined to some use which could not have its effect—as if a testator had left a legacy for building a church for a parish, or an apartment in a hospital, and it happened either that before his death the said church or said apartment had been built out of some other fund, or that it was no ways necessary or useful—the legacy would not, for all that, remain without any use, but it would be laid out on other works of piety for that parish or for that hospital, according to the directions that should be given in this matter by the persons to whom this function should belong.

“‘Since legacies for works of piety and charity have a double favour, both that of their motive for holy and pious uses and that of their utility for the public good, they are considered as being privileged in the intention of the law.’”

Your Honours see all the elements of a charitable use as it exists in our courts of equity, and as it exists independent entirely of the statute of Elizabeth. It was derived from the civil law, into which it was introduced by the emperors after Christianity became the law of the empire. It exists in the nature of things wherever Christianity exists, because wherever Christianity does exist there will be charity, there will be the founders of these public charities for the benefit of individuals who may come into being long after the founder is laid in his grave. Therefore, to abolish this law, to undertake to destroy it, would be nothing more nor less than placing this kind of property beyond the pale of the law. That would be the effect and the only effect.

You find that when the court in Kentucky is freed from the influence of this particular subject, and is called upon to decide on these cases, it applies this doctrine very fully and very forcibly. I will refer the Court to a case in 7 Ben. Monroe's Reports, 611, 618, and 621, where you will find the doctrine fully developed. That was a case of a devise of property for the dissemination of the Gospel. Well, now every lawyer knows that such a devise, such a disposition of property, according to any other law, would be invalid, for want of the requisite certainty as to persons. But it was protected there under the law of charitable uses, and devoted to those public and religious purposes, and a court of equity would see that it was administered according to some scheme devised to carry the charity into effect.

I therefore submit to your Honours that the view taken of this subject on the other side, that here is property which has been acquired by these beneficiaries, that they have a vested right to it, and that they can divide it among themselves, as so many tenants in common, is without any foundation, and that they must, in order to claim this property, take it as beneficiaries answering the description contained in the foundation of this charity. Some of these may, perhaps, have contributed a little, many of them have contributed nothing at all. Many of these ministers who have contributed may never receive any of the bounty. In order to entitle these plaintiffs, as representing the beneficiaries of this Church, to recover any portion of this fund, they must make out, to your satisfaction, that they answer the description of that charity; that they are the representatives of travelling, supernumerary, superannuated ministers, their wives, widows, and children, belonging to the Methodist Episcopal Church, the institution which originally created this charity, under which it is protected, and according to the original principles upon which the charity was founded. It will not do for them to say they are Methodists. It will not do for them to say that they have adopted all the laws, and regulations, and discipline, and government, and all the faith and doctrines that were acknowledged in the Methodist Episcopal Church, which was in existence when this charity was formed, and under whose auspices it has been accumulated to the immense amount it has. It will not do for them to advance any doctrine of that kind. But they must make out that at the time they filed the bill they were members of this Methodist Episcopal Church, and that they are entitled, as members of this Church, to a portion of this fund, or that they, as agents, represent them, and that in the administration of that charity they stand in that position.

Now, they tell us that they do stand in that position. There is no difficulty here about the fundamental doctrines of the Church. The question arises upon topics relating to the discipline and government. There has been no split in this Church upon any fundamental rule of faith, or Christian belief. There is nothing of that kind. But they claim that they are a portion of that same Methodist Episcopal Church divided, and that although they are divided, yet they are sufficiently identified to entitle them to a portion of the *corpus* of this estate, and to entitle the persons answering the description of being supernumerary or superannuated ministers, their wives, widows, and children, as beneficiaries, to take it. According to the argument, so far as I have been able to gather it, they claim on two grounds: First, on the ground of an agreement between the members of this Church, thus constitutionally representing the whole Church, and composing its head—the General Conference—to divide the Church, to form two separate institutions, and yet identical with the Church, each party representing it in succession and continuance, and each party entitled to its ecclesiastical privileges and private rights of property. In the next place, they contend, that if the agreement does not amount to this, and independent of the agreement there has been a division in this Church, that that division and separation

of this body from the other, the majority, was rendered necessary and indispensable by the misconduct of the defendants, and therefore they are entitled to a portion of this fund in equity. These I take to be the two grounds upon one or the other of which they must rest their claim.

Now, in the first place, I assume there was an absolute agreement to divide this Church. That agreement, they tell us, is contained in the report of the committee of nine, which was made in the General Conference of 1844, and adopted by that body. Under that agreement they say they are entitled to set up the Southern branch, which they call a division of the same Church, and under which they are entitled, in equity, to claim a relative proportion of the *corpus*, and of course a relative proportion of the profits of this fund. I may here remark, that your Honours have nothing to do with the ecclesiastical privileges any further than as they are connected with the subject of property; but wherever a trust is created, which trust is in some measure identified with or dependant upon the ecclesiastical institutions, you will inquire into the subject of these institutions, in order to settle the question properly. It is in that way and in that point of view that you get jurisdiction over that branch of the subject. You are aware that in all cases where the Court has a jurisdiction over a particular subject, if it becomes necessary, in order to settle the right of property, to inquire into some collateral matter over which the Court has no direct jurisdiction at all, they will investigate it in order to settle that right of property; and in that point of view a court of common law will inquire into a maritime subject when it becomes necessary to do it, as a collateral matter, to settle some question of property over which the common law court has direct jurisdiction. Mere ecclesiastical questions you have nothing to do with directly, and in themselves, and there are no tribunals in this country connected with the government of the country which have any control over them. There is in this country a complete separation of Church and State. But you will inquire into ecclesiastical matters wherever a trust is created which is dependant in any measure upon the existence and character of the ecclesiastical institutions. Here there is this complete connexion. This property is placed under the control and direction of this Methodist Episcopal Church. They are to be the managers of this fund. Well, in order to settle the question, when two parties claim the property, or claim the control over any portion of it, you must inquire into that Methodist Episcopal Church, where it is, who compose it, and who are the persons entitled to the direction of it. In no other way can you settle this question of property. You are therefore led, necessarily, to investigate it collaterally, with the view to settle the question of jurisdiction over the property. You must find out who compose the Methodist Episcopal Church now, and at the time this suit was brought. Who are they? Are they the plaintiffs or the defendants? Has it been legitimately and legally divided in reference to the matter of property, so that both can claim it? Or is the Methodist Episcopal Church still connected and identified with the defendants in this case? If it is, the plaintiffs are entitled to nothing. They can claim nothing.

Hence, you inquire into this matter, and you will observe in this case that there is something more than a connexion arising from the management of the property, because you find out that these beneficiaries must be members of this very Church to entitle them to take. It often happens that the management of a charity is in the hands of persons who are in no way connected with the beneficiaries, otherwise than merely as individuals to conduct it, and to distribute the profits among the beneficiaries. But here you see a complete connexion. The Methodist Episcopal Church is entitled to the management of this charity, and not only so, but it is to be distributed among beneficiaries, which beneficiaries are to be, and continue to be from time to

time, members of that very Methodist Episcopal Church. They are, therefore, completely identified with it ; and there is another important consideration, whenever a charity is given to pious purposes to be distributed among the officers of the Church, it is considered as given in ease of the Church. You will find that doctrine very fully illustrated in the case of *McGurr vs. Aaron*, in 2 Pennsylvania Reports, to which I have already referred. If property is given to a charity to be distributed in support of the ministers of a Church and their successors, it is intended and is considered as being given by the founders for the benefit of the entire Church, and in ease of it. There is, therefore, that connexion between the Church in this case and the beneficiaries, and it is indispensable, to come to a right decision of this case, that you should find out who are this Methodist Episcopal Church which was in existence at the foundation of this charity, which has been in existence during its accumulation and continuance, and which was in existence at the time this suit was brought.

Now, as to the agreement to divide the Church, I may say, in the first place, that I might take this objection which has already been laid before the Court, that this agreement is prospective and contingent, and has never been consummated ; and the further objection, that the General Conference, as a delegated body, has no power, without the concurrence of the annual conferences, to make such a division. When I say they have no power to divide the Church, I speak in reference to this property, because the annual conferences are managers of this charity as well as the General Conference. But waving for the present the further consideration of this branch of the case, and assuming that there had been a present agreement instead of one that was executory, and that it has been consummated, then an inquiry arises, Has there been a *division* of the Church ? has there been any agreement to that effect ? This split in the Church may have been effected by an agreement in two ways :—it may have been an agreement to divide the Church into two separate branches, creating two new Churches in the place of the one which before existed ; or it may have been an agreement that the Methodist Episcopal Church should remain, and that this other portion should be detached from it, and should form a separate independent Church. Your Honours will see at once that there is a vast difference between these two modes of proceeding. The first would necessarily destroy that Methodist Episcopal Church which was previously in existence, and would form two new Churches in the place of it. The last would leave that Church in existence already formed and operating, and there would be a mere division or separation from it, to form a new and separate Church, leaving the old body to stand, and leaving the new to be formed and created into a separate, distinct, and new body. There is just the difference in this case that there would be between cutting off a man's leg, leaving the person remaining, and dividing the body, and thus destroying it ; the difference between maiming a man and killing him.

If this matter of agreement is allowed to speak for itself, there is no difficulty in discovering what was intended. I will refer your Honours to the first volume of these Proofs, p. 129, where we have the so-called "Plan of Separation." It is upon this that the plaintiffs stand, and must stand, if they can stand at all, and if I comprehend it, they leave the old Church remaining, and they separate from it, and form a new Church. I read the 2d resolution :—

"That ministers, local and travelling, of every grade and office in the Methodist Episcopal Church, may, as they prefer, *remain* in that Church, or, without blame, attach themselves to the Church, South."

"*They may remain in that Church*, or, without blame, attach themselves to the Church, South." Can anybody misunderstand this ? Did they not intend that that

Methodist Episcopal Church should still continue in existence, that it should remain, and that they, in case their Southern conferences found it necessary, should form a new and separate Church, to be the Church, South? Read the 4th resolution :—

“That whenever the annual conferences, by a vote of three-fourths of all their members voting on the third resolution, shall have concurred in the recommendation to alter the sixth restrictive article, the agents at New-York and Cincinnati shall, and they are hereby authorized and directed to deliver over to any authorized agent or appointee of the Church, South, should one be organized, all notes and book accounts against the ministers, Church-members, or citizens within its boundaries, with authority to collect the same for the sole use of the Southern Church, and that said agents also convey to the aforesaid agent or appointee of the South all the real estate, and assign to him all the property, including presses, stock, and all right and interest connected with the printing establishments at Charleston, Richmond, and Nashville, which now belong to the Methodist Episcopal Church.”

And you will find that throughout this whole agreement they speak of the Methodist Episcopal Church as intended to remain, and treat themselves as separated from it, and as forming a new Church, South. Well they go on. At Louisville they form this Church, and how do they consider it? Let us look at the 2d volume of Proofs, p. 59. They resolve,—

“That it is right, expedient, and necessary, to erect the annual conferences represented in this Convention, into a distinct ecclesiastical Connexion, separate from the jurisdiction of the *General Conference of the Methodist Episcopal Church, as at present constituted*; and accordingly, we, the delegates of said annual conferences, acting under the provisional Plan of Separation adopted by the General Conference of 1844, do solemnly *declare* the jurisdiction exercised over said annual conferences, by the General Conference of the Methodist Episcopal Church, *entirely dissolved*; and that said annual conferences shall be and they hereby *are constituted*, a separate ecclesiastical Connexion, under the provisional Plan of Separation aforesaid, and based upon the Discipline of the Methodist Episcopal Church, comprehending the doctrines and entire moral, ecclesiastical, and economical rules and regulations of said Discipline, except only in so far as verbal alterations may be necessary to a distinct organization, and to be known by the style and title of the *METHODIST EPISCOPAL CHURCH, SOUTH.*”

Can anybody read this without seeing what the design is?—that they mean to leave the old Methodist Episcopal Church to stand, and that they mean they will separate from it and form a new Connexion, speaking of themselves as separatists, and taking the new name of The Methodist Episcopal Church, *South*.

Well, now, we have their agreement. The purpose is too plain to be mistaken. It speaks for itself. I am aware it has been stated in that Maysville case, that a Church may change its name, and that, therefore, the name is a matter of very little importance. But I apprehend, that when a Church does not change its name; where the name remains, and where a portion goes off, separates, and takes a new organization and a new name, leaving the old name and old organization to remain, that is a circumstance of very considerable importance, and ought to be attended to in all cases of this kind. And I think the Court will have no hesitation in coming to the conclusion, that the intention here of the parties in this agreement, and as carried out by the Southern conferences, at the Louisville Convention, was that the Church should remain the Methodist Episcopal Church, and that a new Church should be formed, and that they should be looked upon as separatists, and take a new name. Well, what is the effect of such a separation by agreement between the parties? If any subject can be considered as settled, I apprehend this is settled by the law of the land, that they leave behind them, under such an agreement, the property of the Church, which belongs to the body that remains. I will take the liberty of reading

a passage from a case which was referred to by the counsel concerned with me, the case of *Baker vs. Fales*, 16 Massachusetts Reports, p. 503 :—

“If a Church may subsist unconnected with any congregation or religious society, as has been urged in argument, it is certain that it has no legal qualities, and more especially that it cannot exercise any control over property which it may have held in trust for the society with which it had been formerly connected. That any number of the members of a Church, who disagree with their brethren, or with the minister, or with the parish, may withdraw from fellowship with them, and act as a Church in a religious point of view, having the ordinances administered and other religious offices performed, it is not necessary to deny ; indeed this would be a question proper for an ecclesiastical council to settle, if any should dispute their claim. But as to all civil purposes, the secession of a whole Church from the parish would be an extinction of the Church ; and it is competent to the members of the parish to institute a new Church, or to engraft one upon the old stock, if any of it should remain, and this new Church would succeed to all the rights of the old, in relation to the parish. This is not only reasonable, but it is conformable to the usages of the country ; for although many instances may have occurred of the removal of Church members from one Church, or one place of worship to another, and no doubt a removal of a majority of the members has sometimes occurred, we do not hear of any Church ceasing to exist, while there were members enough left to do Church service. No particular number is necessary to constitute a Church, nor is there any established quorum, which would have a right to manage the concerns of the body. According to the *Cambridge* platform, chap. 3, § 4, the number is to be no larger than can conveniently meet together in one place, nor ordinarily fewer than may conveniently carry on Church work. It would seem to follow from the very structure of such a body as this, which is a mere voluntary association, that a diminution of its numbers will not affect its identity. A Church may exist, in an ecclesiastical sense, without any officers, as will be seen in the platform ; and without doubt, in the same sense, a Church may be composed only of *femmes-covert* and minors, who have no civil capacity. The only circumstance, therefore, which gives a Church any legal character, is its connexion with some regularly constituted society ; and those who withdraw from the society cease to be members of that particular Church, and the remaining members continue to be the identical Church. This is analogous to the separation of towns and parishes—the effect of which, by law, is to leave the original body politic entire, with its powers and privileges undiminished, however large may be the proportion which secedes. And so it is of all voluntary societies, having funds to be disposed of to charitable uses, in any particular place. A refusal of a majority of the members to act, would devolve all power over the subject upon those who might choose to persevere.”

This shows that in all these cases where there is a separation, if the old Church remains, even if the majority go away, it still continues the old Church, and, as you find it decided in that case, retain all the rights and all the property of the Church. A number of other cases might be cited from the Massachusetts Reports, but I apprehend it would be unnecessary, and that the doctrine is firmly settled without dispute. In the case in 9 Barr's Pennsylvania Reports, part 321, you will find the same doctrine laid down, that the Church property belongs to those who adhere to the ecclesiastical government, though they are in the minority. Those who depart from the government of the Church are not to take the funds along with them. It is perfectly immaterial whether it is done by agreement or without agreement. If they leave the Church by consent they leave the property behind. It is very common in the case of corporations, to pass acts to separate a portion of a town, or a portion of a corporation. This is all done legitimately, just as strong as if there was a formal agreement ; but the new town, the new parish, the new Church, does not take any portion of the property with them. They leave that behind, and in all cases where there is a separation from the government, or departure from the doctrine of the Church, they also leave the property behind with the Church that remains, and they

cannot call for a division of property. I will call the attention of the Court to the case of the Attorney-General *vs.* Pearson, in 3 Merivale, beginning at p. 367. It is a very long case, and runs through a considerable portion of the book.

“In this case the defendants set up a plea that they were a majority of the congregation, and that they had united in the choice of another parson who was a Unitarian. They had for many years been Trinitarians. In 1813, they made choice of a Unitarian clergyman, Steward, who afterwards, in 1816, became a Trinitarian clergyman. In consequence of this change an information was filed by the attorney-general. The chancellor decided that it being a trust for religious purposes, a court in equity would take complete jurisdiction—that in the formation and endowment of a chapel for religious worship, in which the kind was not mentioned, the Court would for explanation resort to usage—that it was not in the power of individuals to change the purposes of such an institution, if only established for Trinitarian purposes it could not be converted to purposes anti-Trinitarian—and that the Court had nothing to do with religious doctrines, except to ascertain the purposes of the trust, and the Court is bound to determine that question.”

Here the original purposes of the trust were inquired into, if it were necessary to inquire into religious doctrines in order to ascertain them, and that party who seceded from the doctrines of the Church had no right to claim any portion of the funds. You will find the same doctrine in 2 Bligh's Reports, 529, further in 2 Jacobs and Walker, 427, and in the case of *Field vs. Field*, 9 Wendell, 394, in the Supreme Court of this State, where there was a separation. That portion, though a minority, who adhered to the course of discipline and mode of proceeding marked out by the discipline and government of the Church, were entitled to the property. I will refer to the case of *Den vs. Bolston*, 7 Halstead's Reports, 206. This was the case of a Dutch Reformed Church. Some persons set up a new classis—they have, in that Church, an ecclesiastical jurisdiction called the classis—and called themselves the True Dutch Reformed Church. In this particular case the congregation divided, and the question arose as to which party was entitled to the property. It was decided that those who had set up the new classis had ceased to be members of the Dutch Reformed Church, and could not carry the property away with them or call for a division of it. That is a case precisely in point. There was a case in which a portion of the Church, and I think it was a majority, undertook to form a new classis, and they took a new name, and called themselves “The *True* Dutch Reformed Church,” as in this case under consideration they here call themselves The Methodist Episcopal Church, *South*. They claimed they had a right to a division of the funds, but the Court decided that, if they chose to leave the Church, to leave that ecclesiastical jurisdiction which was there formed and in existence, to form a new institution and take a new name, they could not claim any portion of the property. The old Church exists under a certain organism. It exists as a unit, and the body cannot be thus divided, so as to carry the property with them. And you will find the same doctrine in the case of the State *vs.* Crowell, 4 Halstead's Reports, 390. This was the case of a Presbyterian Church at Perth Amboy. They had a clergyman who was silenced in their Church by the Church judicatories; but a large majority of the congregation, as many as three-fourths, remained attached to him. The Presbytery sent supplies. The majority refused to pay up the old subscription list, and set up a new subscription for the support of another minister, the one who had been silenced by the Church judicatories. Their language to the minority was, “If you want supplies you must pay for them.” Here was a case, where, if this doctrine of separating and dividing would entitle the separatists to a portion of the property, they would have been entitled. They were a large majority. They insisted upon adhering to the minister settled there. He had been silenced by the higher Church

judicatories, and the minority, who were disposed to adhere to the Church judicatories, elected a new pastor. The others refused to join with them, and claimed the property. The question was, which was entitled to it, or whether they were entitled to make a division of the property, as well as to secede from the Church. The Court decided that it belonged to that party which was identified with the Presbyterian Church, and adhered to its judicatories.

I will not trouble the Court with the citation of any further authorities upon this point. There was one case, however, which was cited by the counsel on the other side, to which I will refer the Court—the case in 2 Russell's Reports, 114,—where the pew-holders claimed the right to vote on the ground of their having a property, and interest, and consideration in the Church ; but according to the established discipline and government of the Church they were not entitled to vote, and it was decided, according to the discipline and government, that they had no right, and that they could claim no right to the property consequent upon a division grounded upon the refusal to allow them to vote.

I submit then to your Honours, that there are two radical errors in the claim upon the other side, and two radical errors committed by the Court, in relation to two facts, when it undertook to carry out the claim in the Maysville case. They are—First, that in this case there was no agreement to *divide* the Church into two distinct parts fairly made ; that, on the contrary, the agreement was that the Church should remain, and this particular body, constituting the minority of the Church, should be at liberty to withdraw and separate. That was the agreement. And in the next place, there was no agreement to divide the fund, and no right to have the fund divided. In this case the agreement required, so far as it goes to divide the fund the concurrence of the annual conferences, which has never been obtained. If they rest on the agreement, they must take it as it is. Unless there has been that concurrence they have no right to set up the claim.

I now come to consider the next ground of the claim on the other side, and that is that in the absence of any agreement, and upon the supposition that there was no agreement, there has been such misconduct on the part of the defendants and those connected with them, constituting, as we say, the Methodist Episcopal Church, as warranted them in separating, and that they are entitled in consequence of that misconduct to recover a proportion of this property. As I have before observed, it is not pretended in this case that there has been any departure on the part of the defendants from the true doctrines of the Church. That cannot be pretended. The complaint is, misconduct in the administration of the affairs of the Church, in its government or in its discipline ; and the misconduct all has reference to that most unfortunate subject in this country, which seems to create trouble wherever it appears in State and in Church—the subject of slavery. I apprehend upon this subject, the defendants, and their adherents, and the Methodist Episcopal Church, have carried out to the very letter the entire doctrines and regulations of the Church upon that important point, and that there is really no ground of complaint, on the part of the plaintiffs, against them for the manner in which they have deported themselves upon that delicate subject. There can be no pretence for alleging that this Methodist Society are abolitionists—I do not use that term in any disparaging sense ; I advert to it simply to designate a certain class of doctrines and positions which have been maintained. It cannot be pretended that this Church, as a Church, have adopted any of these doctrines. They have not undertaken to interfere with slavery, to abolish it. They have simply carried out those principles and views which have always existed in the Church, in which the brethren of the South have always concurred—views of a practical character, and which were designed to subserve the interests of

the Church, both North and South. They have not gone one jot or tittle further than the ancient, well settled, and established principles and usages of the Church would warrant. I do not mean to trouble the Court with going over the evidence upon this subject, as to what are the opinions and doctrines of this Church; that has been pretty fully developed already. I will barely make one or two remarks on that subject.

In the early history of this Church, in this country, there certainly was, under the auspices of the foreign members who took the control of the government of it, a disposition at once to abolish slavery, and they introduced such a provision as, if carried out, would lead to that result. But your Honours are aware that it was at once abandoned, and a rule of practical convenience was substituted in its place. They gave up all such pretensions. They adopted what ought to have been, and what was properly the true rule upon that subject—to let it alone, to leave the domestic institutions of the different States to the States themselves, and not to interfere with it any further than was necessary and convenient for the wholesome and conservative administration of the affairs of this Church. I might refer you to the address which was delivered to the British Conference upon this subject, which has already been read to the Court, which shows what their principles are. Their doctrines in 1804, settled down to this principle: individuals were at liberty to hold slaves or not, as they thought proper. Officers of the Church were required to free their slaves when it was practicable—when it was allowed in the States in which they lived. But as to the bishops, the doctrine never extended to them. It has always been maintained and held, that bishops should not be the holders of slaves, and we have this most important fact in the history of this Church, that until the time of Bishop Andrew, there never had been a slaveholding bishop in it. Prior to this time, at least two-thirds of the bishops had been taken from the Southern conferences, and all of them, without any apparent difficulty or dispute among them, had been men who neither owned nor held slaves. Bishop Andrew did not own or hold a slave at the time he was created a bishop. This is a most important circumstance upon this point. Usage, in the absence of any express provision, goes far. In the absence of express provision, I may say, it is conclusive upon what are the true principles of the Church. Ancient usage is the common law of the Church, and must govern it. In one of those cases to which I have called your attention, you will observe that ancient usage was resorted to, to ascertain what were the doctrines of the Church, and in order to ascertain the doctrines, with a view to settle the question of property. Now, when you find that in this Church one portion, and a very large portion of this territory, is slaveholding; when you find, at the time of the creation of this Church, and for a long period, every State held slaves, the fact that no one of the bishops has ever been a slaveholder until the case of Bishop Andrew, and that he was not a slaveholder at the time of his appointment, I think it may be stated as conclusive evidence, that there has been a doctrine in this Church, well settled and constantly acted upon, to elect to that important office no person who was a holder of slaves. Now, you observe that there is nothing in all this proceeding on the part of these Methodists, in their government and discipline, which is at all hostile to the existence of this domestic institution in the South. They, of course, believe it would be better not to have slaves if it could be avoided, but they adopt this belief upon the same principle that they would decide upon any abstract question; for instance, that it would be better that the serfs of Russia should not exist, or that the labouring, the manufacturing population of England should be in a much better condition than they are, which is really a great deal worse than the condition of our Southern slaves. They would hold all this in the abstract, and they consider the condition of the Rus-

sian serfs, and of the manufacturing and labouring population of England, as an evil in the abstract, as they consider slavery an evil, and they would endeavour, as far as practicable, to improve both; but they would not be so Quixotic as to undertake to abolish the institutions of Russia, or the institutions of England, when doubtless such an abolition would cause more evil than good, though it might be better if these portions of the human race were in a better condition. And for the same reason they would not undertake to abolish slavery in the United States. In that particular they leave each State to work out for itself. But in consequence of the opinions of many persons who are members of the Church, who are opposed to slavery, and in order to make the officers of their Church useful, and dispense the benefits of religion through the whole territory of the Church, they have gone thus far. They have said that the travelling preachers and ministers of the Church shall emancipate their slaves where it is practicable, and that bishops shall not be elected when they are holders of slaves.

MR. REVERDY JOHNSON,—There is no positive rule on the subject.

MR. WOOD,—I stated, as to the bishops, there was no express rule about it; but I have referred to the ancient and established usage as settling the common law in the Church, precisely as in the case already referred to, where the common and established usage in regard to the doctrines of the Church, settled, in the absence of any express provision, that that was a Trinitarian Church.

Now, in this case, on what principle did they act? Why, it is no objection to a man in the slaveholding States that he does not own slaves. If a person not owning slaves, living in the slaveholding States, should be made a bishop, he is not the less acceptable to the community because he does not own slaves; but when he comes to the free States, where many persons believe that slavery ought not to exist, and that he ought to manumit his slaves, it would destroy his usefulness, or greatly mar it, if he held slaves. They have simply adopted it as a conservative rule of action. I must call the attention of the Court to some passages in the Address which they made to the foreign conferences. In the address of the British Conference to the General Conference, page 64 of the First of the Proofs, is the following:—

“But while we freely indulge in sentiments such as these, we cannot forget that on one subject especially—the subject of American slavery—you, our beloved brethren, are placed in circumstances of painful trial and perplexity. We enter, with brotherly sympathy, into the peculiar situation which you are now called to occupy. But on this question, we beg to refer you to what occurs in our address to you from the Conference in 1836, a proper copy of which will be handed to you by our representative; as also to the contents of the preceding letter of 1835. To the principles which we have affectionately but honestly declared in these two documents we still adhere, with a full conviction of their Christian truth and justice.

“The time which has elapsed, and the events which have taken place, since the preparation of the above-mentioned papers, serve only to confirm us yet more in our views of the moral evil of slavery. Far be it from us to advocate violent and ill-considered measures. We are, however, strongly and unequivocally of the opinion that it is, at this time, the paramount Christian duty of the ministers of our most merciful Lord in your country, to maintain the *principle* of opposition to slavery with earnest zeal, and unflinching firmness. May we not also be allowed, with the heart-felt solicitude of fraternal love, to entreat that you will not omit or qualify the noble testimony which we have extracted, in a note to our address, from your Book of Discipline, but that you will continue to insert it there in its primitive and unimpaired integrity.”

I will read one or two passages from the answer to this:—

“Of these United States, (to the government and laws of which, ‘according to the division of power made to them by the Constitution of the Union, and the constitutions of the several States,’ we owe, and delight to render, a sincere and patriotic loyalty.)” [no “higher law” here set up,] “there are several which do not allow of slavery. There are others in which it is allowed, and there are slaves; but the tendency of the laws, and the minds of a majority of the people, are in favour of emancipation. But there are others in which slavery exists so universally, and is so closely interwoven with their civil institutions, that both do the laws disallow of emancipation, and the great body of the people (the source of laws with us) hold it to be treasonable to set forth anything, by word or deed, tending that way. Each one of all these States is independent of the rest, and sovereign with respect to its internal government, (as much so as if there existed no confederation among them for ends of common interest,) and therefore it is impossible to frame a rule on slavery proper for our people in all the States alike. But our Church is extended through all the States, and as it would be wrong and unscriptural to enact a rule of discipline in opposition to the constitution and laws of the State on this subject, so also would it not be equitable or Scriptural to confound the positions of our ministers and people (so different as they are in different States) with respect to the moral question which slavery involves.

“Under the administration of the venerated Dr. Coke, this plain distinction was once overlooked, and it was attempted to urge emancipation in *all* the States; but this attempt proved almost ruinous, and was soon abandoned by the doctor himself. While, therefore, the Church has encouraged emancipation in those States where the laws permit it, and allowed the freed man to enjoy freedom, we have refrained, for conscience’ sake, from all intermeddling with the subject in those other States where the laws make it criminal. And such a course we think agreeable to the Scriptures, and indicated by St. Paul’s inspired instruction to servants, in his First Epistle to the Corinthians, chap. vii, ver. 20, 21. For if servants were not to care for their servitude when they *might not* be free, though if they *might* be free they should use it *rather*, so neither should masters be condemned for not setting them free when they *might not* do so, though if they *might*, they should do so *rather*. The question of the evil of slavery, abstractedly considered, you will readily perceive, brethren, is a very different matter from a principle or rule of Church discipline to be executed contrary to, and in defiance of, the law of the land. Methodism has always been (except perhaps in the single instance above) eminently loyal and promotive of good order; and so we desire it may ever continue to be, both in Europe and America. With this sentiment we conclude the subject, adding only the corroborating language of your noble Missionary Society, by the revered and lamented Watson, in their instructions to missionaries,” &c.

Now, I apprehend that no man, however sensitive he may be upon this subject of slavery, can see anything in the conduct of this Church with which to find fault. They are disposed to be eminently loyal, to submit to the laws and government of the country, to leave this domestic institution to those who are concerned with it, to let them act in their own way. If there is any evil in slavery, they must bear it; if there is any danger in any sudden abolition of it, they must be subjected to that danger, and therefore they ought to be allowed to judge for themselves. That is the doctrine of Methodism. Some of these early bishops, it is true, who were not familiar with our institutions, coming from abroad, undertook to go further, and meddle with this subject, and turn Quixotes in philanthropy, as there were formerly Quixotes in knight-errantry. But they abandoned that very soon, and took a broad and practical ground. They allowed slavery to exist; they carried out the old primitive doctrine of the apostle, who, when he converted a runaway slave, advised him to go back to his master, and advised the master to treat him well. They are aware, and they have been aware, that if they promote a sound body of Christian morality, and leave that to work itself, it will more effectually modify and ameliorate anything that may be harsh or severe in political or domestic institutions, than by attempting directly to meddle with them; and therefore they give to Cæsar what be-

longs to Cæsar. I take that to be the old sound doctrine of the Methodist Church, and that it has always been carried out. And the Southern branch of this Church always acted with them, until they had become (and I do not blame them; it is not for me to blame any of the parties in this case) extremely sensitive upon that subject from the conduct of certain individuals in other portions of the United States, who have undertaken to go beyond this sound doctrine, and interfere with their domestic institutions, beyond what reason, good sense, or Christianity would call for or admit.

Now, what is the reason why the officers of their Church, their travelling ministers for instance, are required to emancipate their slaves where it can be done? and what is the reason why a bishop in no case is allowed to hold slaves? Not that they want to interfere with the domestic institutions of the South. All they want is to render their officers acceptable, and acceptable to all men; to be all things to all men, in the sense in which St. Paul used that phrase; to be acceptable, in order to do good. That was their object; and they believed, and they now believe, that to carry out the great purposes of their Church, it is all-important that those rules should be observed, without attempting to meddle with the domestic institutions of the South. They were willing to appoint Southern ministers to the bishopric, as they always have done, but just select those who do not own slaves. Among these Christians of primitive habits, where there are ministers in abundance who do not own property of that kind, and who own very little property of any kind, where the land they cultivate is Immanuel's land, there is no difficulty in selecting proper persons for that office, who are free from this objection.

One great principle—it is a radical principle, and was set forth in the Address of the bishops, which was signed by the two Southern bishops, Soule and Andrew—is the doctrine of the itinerancy of the bishops. It is looked upon as one of the essential doctrines of that Church. It will not do to establish local bishops. It will not do, they say, to make any exceptions. They have adopted in this case the primitive rule of the apostles—to travel, not to abide in one place; to go abroad, to scatter the seeds of the Gospel through every land. Their bishops are to travel, each and all of them, over every portion of the dominions and jurisdiction of their Church. But when they go into that part of the country where slavery happens to be in bad odour, and where they are to make their efforts not only to confirm those already in the faith, but convert others to it, any one must see that they become inefficient if they are the owners of slaves; and therefore it becomes necessary to do one of two things: either require that the bishops elected shall not be slaveholders, or dispense with the rule that they shall be itinerant, and make them local. The latter they could not do without abandoning Methodism, because the great founder of Methodism laid that down as an essential rule. He adopted the episcopacy of the English Church, but it was not a mere local, lazy episcopacy, such as he found there. He wanted an active travelling episcopacy, and to keep them active and efficient he determined to introduce this as an indispensable rule of the Church, that they should be itinerant; and they have continued to be so. Here is the great origin of all their doctrines in regard to slavery—doctrines in which the Southern branch, as well as the Northern, until a comparatively recent period, all concurred, and about which there appears to have been before this not the slightest difficulty. And what is this recent difficulty? How did it arise? We first hear of it in the General Conferences of 1840 and 1844. It appears that among individual members of this Church in the Northern and Middle States, there were some abolitionists. And when we consider the state of society in this section of the country for a number of years past, the vast influence which the foreign abolitionists have had upon our country, and the attempts which were made by the foreign bishops to introduce these doctrines here, meddling with institutions

with which they had no concern ; meddling with our servants who are in a state of slavery, but in a much better condition than their own at home, many of whom are in a condition at present which a British minister lately described as formerly applicable to a certain portion of their society in early periods of their history—without pantaloons,—when, I say, we look at this, and the constant efforts which they had made, is it surprising that there should be individual members of this Church who should adopt these doctrines, and who should undertake to flood the conferences with their petitions and memorials, as the same class of people undertook to flood the congress of the United States ! And they actually did for a number of years overwhelm it with these worse than useless petitions, backed by an old gentleman in congress of great distinction, but whom I have always considered as acting very erroneously on that subject. If, when these petitions came in, the conferences had adopted and acted upon them, there would have been some ground of complaint. But how was it ? Did they adopt them ? We have a resolution passed by the Church in 1840 upon this subject, which, I apprehend, ought, with all prudent men who are disposed to be guided by their reason instead of their passions, to have calmed and quieted this Church. I read from the First of the Proofs, page 74, a resolution which was passed upon a report of the committee upon these petitions :—

“Resolved, by the delegates of the several annual conferences in General Conference assembled, That under the provisional exception of the general rule of the Church on the subject of slavery, the simple holding of slaves, or mere ownership of slave property, in States or territories where the laws do not admit of emancipation and permit the liberated slave to enjoy freedom, constitutes no legal barrier to the election or ordination of ministers to the various grades of office known in the ministry of the Methodist Episcopal Church, and cannot therefore be considered as operating any forfeiture of right in view of such election and ordination.”

This was nothing more than the adoption of the ancient and established usages of this Church, in defiance of all these petitions which were thus sent in, carrying them out, and showing, on the part of this Church, a determination to carry out their ancient and established doctrine and rules. Now, I submit, that that is no foundation for a secession from this Church. The Southern brethren cannot complain of any misconduct on the part of this Church as a Church. On the contrary, their conduct was exemplary, and was in perfect harmony with the established usages and practices of the Church.

As to the case of Mr. Harding, who was one of the travelling ministers in the Baltimore Conference, which the counsel on the other side, in the indulgence of a little imagination, calls the “Breakwater Conference,” it seems that in that conference there is slaveholding territory and free territory. Mr. Harding had not purchased slaves, but had acquired them by marriage. Well, two questions arose in that case : one was, whether slaves could be emancipated in that State ; and the other was, whether he was to be considered as voluntarily acquiring this kind of property when he obtained it by marriage ? I admit that was a pretty nice question, because, although the Methodists adopt the American doctrine of free will, yet in the case of matrimony, perhaps, there is not always perfect free will. However, it was a very delicate and nice question to determine whether it came within the rule of voluntary acquisition. Another question arose, and that was, whether in that State manumission was allowable ! It seems that some gentlemen gave opinions that it was, and others thought differently. The conference had to pass on these delicate subjects. It was a question which could not often arise. It was a mere isolated case, and one which they had to pass upon with the best lights they could get, and the annual conference decided that he ought to be suspended from the ministry until he emancipated

the slaves, or showed cause for not doing it. If you will read the argument, you will see that he had not made any effort to do it ; perhaps his wife would have joined him in emancipating them. He appeared to be active in retaining the property. Therefore, under all the circumstances, as in this conference there was jurisdiction over free territory and slave territory, and ministers who held slaves would not be acceptable in the free part of it, and as travelling ministers are to travel over the entire territory in the conference, they thought best, until that difficulty should be removed, that he should be suspended from the ministry. The General Conference, on an appeal, seeing no foundation for reversing, confirmed the decision.

Let us take the next case in connexion with it, that of Bishop Andrew. He, it seems, also married a wife, and that wife had slaves. He had acquired by will a slave who refused to be free, who refused to go to Liberia. So far from making any effort to emancipate, or showing any disposition to do it, he had executed an assignment in trust to secure the slaves thus acquired to the joint benefit of himself and his wife. That case came up before the Conference. What were they to do ? Here was a bishop, against whom there was no objection originally, but who had become unacceptable to a considerable portion of Methodists in some parts of the territory ; and according to a radical and fundamental doctrine of that Church, he was to travel through all that territory. That must be admitted to be a very nice question. Suppose they were wrong in their decision upon the case—let us suppose, upon the whole case, which would bring even a judicial mind, who happened to be a member of that Church, to a pause, that they had come to an erroneous decision, and had committed an error in this one particular case, is that to break up the Church ? Does that warrant a secession ? Is that a *misconduct* which would entitle them to be treated in the light of seceders ? I apprehend not.

I will refer the Court, on this subject, to the case of *Miller vs. Gable*, 2 Denio's Reports, 492. Judge Gardiner observes, in going over this subject, in regard to doctrines—and it will throw light on the subject of the government and discipline—that in order to constitute a departure from the trust, with regard to doctrines, there must be a settled deviation from some substantial doctrine of the Church. You will find the same position in 2 Bligh's Reports, 529. This was the case of an Associate Congregation of Perth.

It establishes two important principles :—

Firstly. “Where a difference of doctrines prevails, the Court will decide in favour of the party which adheres to the ancient doctrines of the Church.

Secondly. “That when there is a difference in regard to government, the Court will decide in favour of those who adhere to the old government. But the question of doctrine furnishes the primary rule—an adherence to the ancient established doctrines of the Church is indispensable to constitute Church membership.”

This case was carried up to the Court of Appeals—the Parliament of Great Britain—and it was there decided that there had been a deviation in some respects from their doctrines, but in no very essential point. It was on the subject of the administration of an oath.

But it must be in some substantial, essential point, where there is a departure, in order to warrant a court in treating them as seceders from the Church. If there had been in this case a determination to depart from some important radical portion of the Discipline, which is considered essential, there would have been ground for a secession ; but to say that in this Church, because, in two particular instances, in very nice cases, they had given a construction which the gentlemen on the other side say was not correct, but where it is manifest they decided according to their best judgments—to say that in this Church a decision in such cases, standing out of any direct rule,

and where a rule was to be applied without any precedents to guide them, was a misconduct which would warrant a dissolution of the union of the Church, break it up, and entitle those who did thus dissolve it, and break it up, to be considered as the true Church, and to carry property along with them, is, I apprehend, going too far. I will call the attention of the Court to the view which this Church takes of this subject of union in their Discipline, chap. 1, sec. 18 :—

“Let us be deeply sensible (from what we have known) of the evil of a division in principle, spirit, or practice, and the dreadful consequences to ourselves and others. If we are united, what can stand before us ? If we divide, we shall destroy ourselves, the work of God, and the souls of our people.”

They here inculcate with great stress the importance of union and the necessity of enforcing and preserving it. The principles they advance are important and highly conservative. It would be well for all good citizens to adopt those principles, to guide them in their allegiance and their duty towards the government of the country under which they live, and from which they have received all that they are and all that they ought to be. Deeply imbued with those principles, while anxious to assert their rights, they would be equally mindful of their duties. Then follows a variety of regulations to preserve the union of the Church.

Well, when we find a rule of law upon this subject, that in order to constitute a right to separate or secede lawfully, there must be in the opposite party a settled violation of or departure from some essential and important rule of action in the government or discipline, of course the same law will apply more strongly to a similar departure in a matter of faith and doctrine, because it is more important in an ecclesiastical body that its faith should be observed than its government or discipline. The religious faith of the Church is the great object in view in establishing the Church. You will always look and inquire in considering who are the adherents to any institution, what is the object of that body ? for what is it created ?—the rules, government, and discipline, are merely subordinate. They are merely instrumental in carrying out the great purpose which is here—the promotion and propagation of religious faith. But a departure from the religious faith in a matter of very little importance, as we have seen, is no foundation for a separation. Can, then, a mistake in a decision in a doubtful, difficult case, a new case, one which does not come directly under any fixed, settled principle, but to which principles are brought to apply inferentially and impliedly, warrant the members in breaking up and destroying the society ? I submit that it cannot, and more especially, too, when you see that this Church is considered as a unit ; that it is a regularly organized body, and its union in all its branches, in all its entirety, is considered essential for the promotion of morality, and the preservation of the souls of its members. Yet, such are the grounds which are now relied upon on the other side to legalize the separation of this Church.

I now proceed to consider the objections which are taken to the manner in which this trial of the bishop was had. We are told that Bishop Andrew did not receive a regular trial, that he was not regularly summoned, and that he was not condemned according to any fixed and settled rule of law. Well, upon the subject of the trial and notice, I apprehend he has had all the trial which could be required in an institution of this kind. They have no regular formal proceedings by summons, no pleading, and no jury trial. It is sufficient if the man was heard, and had an opportunity for defending himself, and presenting his case fully. Bishop Andrew had this. He wrote a letter in which he stated the whole case ; and no further trial, or notice, or evidence could be required, because they took the case precisely as he had stated it in that letter, and thus adopted and acted upon it. He had every opportunity of presenting every reason and every consideration that could occur to him, as proper

to be heard in his case, either to justify, excuse, or mitigate. What more trial would you have? It will be borne in mind, too, that in this Church the bishop is amenable to this Conference. He may be dismissed or suspended for "improper conduct." That is the language of the Discipline. What is meant by "improper conduct?" Does it mean a crime, according to the law of the land? Does it mean any positive and express violation of some positive rule of the Methodist Discipline? I apprehend not. On p. 16 of the first volume of Proofs, is the following extract from the Discipline:—

"To whom is the bishop amenable for his conduct?"

"To the General Conference, who have power to expel him for improper conduct, if they see it necessary."

"Improper conduct," I apprehend, is not confined to some violation of law or some settled rule of Discipline. A bishop may commit acts of impropriety which cannot be brought under any fixed rule of law. I might refer your Honours to the injunction upon bishops to be found in Timothy, with which, no doubt, you are perfectly familiar, and which you will find, goes much further than any requirement of law, in reference to his behaviour and deportment. Suppose any bishop, where it is allowable, should set up a hotel, or allow gaming in a country where it is not condemned by law. Perhaps you would find nothing specified in the rules of the Discipline, and nothing in the law of the land about it, but every one would say it was improper for a bishop to act in that way, and clearly under the rule of Discipline the Conference might condemn and expel him for such improper conduct. There are a hundred, a thousand things, which, according to the usages of the Churches, it would be improper for a minister to do, and yet which would violate no law, and be done with perfect propriety by persons who were not in that venerable position in the Church and society at large, a position calling for a most guarded circumspection of conduct. Now I presume that this rule was intended to meet that class of cases, to confer full power upon the Church to reach all such cases which could not be reduced to any fixed, settled rule of law.

Now, if a bishop acquires slaves after he becomes a bishop, when, by the ancient usages of the Church, he would not have been elected to that office if he had then held them, for reasons which I have already assigned, and which rules have been in that Church always deemed imperative, and he omits to manumit them, or if he should persist to act as bishop while he holds them, and is yet in a condition to manumit them, his conduct would be "improper" according to the rules of the Discipline of that Church. It would be improper, because it would tend to destroy his efficiency as an itinerant bishop; and in that point of view, this Conference would have a perfect right to inflict the censure prescribed in the Discipline upon him. But they did not do it. They avoided it. They took the mildest measure that could be taken in the case. They were determined to support their Discipline as far as they could; to have an acceptable bishopric, and an itinerant bishopric, and at the same time relieve Bishop Andrew from any imputation, except so far as it was indispensably necessary to carry out these points. Instead, therefore, of expelling or suspending him, instead of passing an act of a punitive character, they simply advised (for it is clearly an advisory proceeding) that he should "desist" from acting. At the same time, on account of the delicacy of his situation, they left him all the privileges and advantages of a bishop. Well, say the gentlemen on the other side, it is placing him in a very awkward predicament to act after such an advisory letter or request as this. Well, that could not be helped. It was placing him in that position unquestionably, but at the same time it was treating him with as much delicacy as the case could admit of. In a case like this, under all these circumstances, when they all felt, deeply felt, the necessity of preserving their ancient

landmarks, of preserving the episcopacy, and at the same time preserving its itinerancy, and of connecting the two with the usefulness and efficiency of their bishops, they took that course which in their opinion was most advisable; and the question for you now to determine is, (for the other side mainly rest on that ground—there they plant themselves,) Was that a sufficient foundation for this Southern branch of the Church to secede—to leave them? and are they entitled as seceders to carry with them the property of the Church, on the ground of a radical, substantial departure from the discipline of the Church by the body they leave behind? I submit to the Court that no such charge can be legitimately brought against us. They cannot rest on that foundation for a claim to this property. I admit in all these ecclesiastical institutions, and it must be admitted on all hands, and I have no doubt the Southern Church will admit, the importance of preserving the discipline. Faith and doctrines are paramount, but at the same time, discipline is important, because it is enjoined upon them (to be Scriptural) to do all things in order, and so to do them, they must have rules of action, and they must comply with them.

We are not left here to draw legal inferences from the doctrines or government of the Church as to the consequences of this separation upon the property. I have considered this subject so far, in its bearings upon the property, upon the supposition there was not any agreement about it. Has there been in this case, such a separation by agreement to separate as would entitle them to a part of the property? and if not, has there been such misconduct, on the part of the old Church, as to warrant them in separating, and still entitle them to hold the property? That is the view I have taken of it; and in so treating it, I have laid out of view any agreement about the *property*. But if there is an agreement between the parties respecting the property itself, it must govern, supposing they have any right to agree about it one way or the other. They say the General Conference had a right to make an agreement with them, by which they should separate from the Church. Carry that out; assume they had the right. We say, that even if there was an agreement about the property, that agreement was, that they should detach themselves from the main body of the Church, and leave that behind; and, therefore, they could not carry the property with them upon principles of law. In the next place, we contend that there is, in the absence of an agreement, no such misconduct on the part of this Church as would entitle them to claim any portion of the property. But I come now to this important point, that there was in this case an express agreement about the property; and that must settle the question. You can deduce no inferences, you can draw no conclusions, you can raise no implications, when you have an express agreement. That must stand by itself, and they must either stand or fall by it. Let us see what that agreement was. It is to be found in the First Proofs, p. 129:—

“4 That whenever the annual conferences, by a vote of three-fourths of all their members voting on the third resolution, shall have concurred in the recommendation to alter the sixth restrictive article, the agents at New-York and Cincinnati shall, and they are hereby authorized and directed to deliver over to any authorized agent or appointee of the Church, South, should one be organized, all notes and book accounts against the ministers, Church members, or citizens within its boundaries, with authority to collect the same for the sole use of the Southern Church, and that said agents also convey to the aforesaid agent or appointee of the South all the real estate, and assign to him all the property, including presses, stock, and all right and interest connected with the printing establishments at Charleston, Richmond, and Nashville, which now belong to the Methodist Episcopal Church.

“5 That when the annual conferences shall have approved the aforesaid change in the sixth restrictive article, there shall be transferred to the above agent of the Southern Church so much of the capital and product of the Methodist Book Concern as will, with the notes, book accounts, presses, &c., mentioned in the last reso-

lution, bear the same proportion to the whole property of said Concern that the travelling preachers in the Southern Church shall bear to all the travelling ministers of the Methodist Episcopal Church; the division to be made on the basis of the number of travelling preachers in the forthcoming minutes.

"6. That the above transfer shall be in the form of annual payments of \$25,000 per annum, and specifically in stock of the Book Concern, and in Southern notes and accounts due the establishment, and accruing after the first transfer mentioned above; and until the payments are made, the Southern Church shall share in all the net profits of the Book Concern, in the proportion that the amount due them or in arrears bears to all the property of the Concern."

I think no man who will read this case over candidly and impartially, can hesitate to say, that this General Conference acted upon the idea, that before this branch, who were thus to separate and form a new organization in the South, could take any portion of this property, which was devoted to this charitable use in the Methodist Episcopal Church, the annual conferences should concur. The counsel on the other side, tell us, that that is not the true construction; that it was intended that they should have the right absolutely; and that all that was required by this agreement—all that was rendered contingent was, that it should not be *transferred* until the annual conferences thus concurred. It appears to me, that that would be perfectly *peurile*. What! Give them the right without this concurrence of the annual conferences, and yet tell them it should not be transferred until the annual conferences did concur! Give them the right, but not let them take the property! If they intended they should have the right absolutely, clearly they would allow the property to be transferred at once. If they intended, before any transfer of this property should be made, that the annual conferences should concur, they clearly intended no right until that concurrence should be obtained. I think that it is too clear to dispute about. A distinction like that, if it was carried out, would be perfectly refined and *peurile*, and totally devoid of that common-sense which guides this Methodist Episcopal Church in their conduct. They manifestly meant, that the annual conferences should concur before any portion of this property should be divided. They said to the delegates from the South: "If you find it necessary, when you come to meet in your annual conferences, that you should separate, we will agree that you shall; but we cannot agree—and you must take this as connected with your action upon this subject in your annual conferences—we cannot agree that any portion of this property shall pass from us as composing the Methodist Episcopal Church, until the annual conferences concur." And I think there was some reason and sound sense in this. Suppose that this institution, as the managers of this charity, were so connected and identified with it and with the beneficiaries as to entitle them to dispose of this property in this way in an emergency of that kind, ought it to be done until the concurrence of all the managers is obtained? Were the General Conference the exclusive managers? Certainly not; the annual conferences participated in the management of it as much, and perhaps more efficiently than the General Conference; and for that reason, when they undertook to adjust this matter of property in their capacity of managers, without the sanction of a court of equity, with great propriety they required that their concurrence should be obtained before any portion of this property should be taken.

Well, now, who is to lay this matter before the annual conferences? It is not required by the General Conference that it be done by any person concerned. The other party could see and undertake to bring it before them, as well as ourselves. If they, the annual conferences, act upon it and concur, when the subject is brought before them, there is an end of the question. Have they concurred? That is not pretended. They do not set that up on the other side. The counsel on the other side

says that the annual conferences have not *refused* ; that there was a mistake in the voting ; that the proposition presented to them was so general and broad, as not to reach the case properly ; that the question was put to them, whether there should be an absolute and unqualified repeal of the sixth restrictive article ; and that it should have been put, whether it should be altered so far as to allow the Church, South, to take this ratable proportion of the property. I admit this is a fair and reasonable interpretation of that agreement. The proposition as presented is drawn in general terms, but it is fair to restrict and modify it according to the subject matter, and it would have been proper to have put it in that shape ; and it is very probable that some of these conferences did not concur in it, on account of the generality of the proposition. What then ought to be done in a case like that ? Why, wait until the subject shall be laid before the annual conferences anew, until they shall have passed upon it in its new shape ; and when they have passed upon it fairly and fully—when it is presented in a modified form, which will bring up the entire question, fairly and distinctly, for their consideration—then it will be time to pass on the final subject, in the disposition of this property. And all they had to do at the South was to wait a reasonable time until this matter could be fairly disposed of. They have not thought proper, however, to do this. What is the consequence ? The consent of the annual conferences, necessary to enable them to take any portion of this property according to the agreement between the parties, has not been obtained. This agreement, stating the terms on which they shall take this property, necessarily involves the interpretation, that without the consent of the annual conferences they should not take it, and were not entitled to it. There has not been that consent. Then how are they entitled to it ? Are they entitled to it independently of this agreement ? Then they can violate the agreement ; they are not bound by it ; they can set up something in opposition to it, when it is made the plain rule of action for the parties in this particular case. All must abide by the agreement in all its parts. It does appear to me that this view is decisive upon this question. Why, suppose that in the case of a township incorporated, having property, the legislature should pass an act authorizing a portion of the town to be set apart to form a new one, and they should make provision, that in case certain bodies in that township should concur, a portion of the property should be given to the new town, could they take it without such concurrence ? I think not. In the absence of such a provision, as separatists, though with the concurrence of all concerned, they would not be entitled to it at all. With such a provision, there must be a compliance with it. That is the case here. I have shown that this Southern Church are separatists ; that they leave the Methodist Episcopal Church in all its identity and entirety behind them ; that they set up a new Church, and in that capacity are not entitled to the property in question. They set up that agreement in their favour. But it has not been performed ; its terms have not been fulfilled. They did not wait until the fulfilment of it could be obtained. They thought proper to go and carry out their new organization and establish a new Church, and then claim this property. The consequence is, they are not entitled to it. In the absence of any agreement they would not be entitled to it. The terms of the agreement have not been fulfilled, and they are not entitled under the agreement. In any point of view, they are not legally entitled to any portion of this property.

The Court adjourned until Wednesday.

EIGHTH DAY.—WEDNESDAY, MAY 28, 1851.

MR, WOOD,—I shall not detain your Honours a long while with this case, this morning. In fact, if I had not been so much exhausted yesterday, I should have claimed the indulgence of the Court for a short time, and then have finished. This case, however, is too important to be slightly passed over ; important in its interests, in the character of its interests and parties, and in its connexion with national concerns ; for, I think, in the present crisis of our country, it has a most intimate connexion with public affairs.

The proposition to which I now wish to call the attention of the Court is, that the Church (in reference to its property I now speak) had no power to make such a division as is contended for on the other side, and part with the property. I do not put this now mainly upon the idea that this General Conference is a delegated body. I am aware of the distinction between a delegated sovereignty and a delegated agency, in a matter of business. In the latter case, the agent continues subject to the control of the principal ; but in the case of a delegated sovereign power, the sovereignty controls the constituency. That is a distinction, and is one which is too often lost sight of even in our halls of legislation. I shall proceed to state, however, the grounds of objection, on which I rely, to any attempt on the part of this General Conference, or the General Conference in connexion with the annual conferences, in themselves, to undertake to divide this Church, and divide the property along with it ; for it is particularly in connexion with the property we are now to consider the case.

I must here draw the attention of the Court to a distinction which does not appear to have been adverted to ; and that is, that these funds are not beneficially, and even in the point of view in which an interest is taken in a public charity, the funds of the Methodist Episcopal Church. That Church has a beneficial equitable *control* over them as managers of the charity ; but that beneficial equitable control is for the benefit of the classes of persons who are designated as the objects of the charitable use. They are, as has often been repeated, the superannuated and supernumerary ministers, their wives, widows, and children. Now the Methodist Episcopal Church, if they owned the property, or had the equitable beneficial interest in it in themselves, might exercise an influence over that property, which would be more extensive than they could over property of which they had the mere management. But it would not be such a vested interest in them if they held it in that sort of politic capacity, if I may call it so, in which charitable uses are generally held, and in reference to which ministers of the Church, for the time being, take simply the mere usufruct ; even then they could not alienate it. But the books draw a distinction as to the powers of beneficiaries in a charitable use even of that description, and the case of a religious corporation or a religious institution which has simply a management of a charity. I will refer the Court to a case upon this subject—that of the Attorney-General *vs.* Wilson, 18 Vesey, 519 ; also to be found in Shelford on Mortmain, 701, 702.

The Attorney-General, *vs.* Wilson.
[Rolls.—1812. April 20.]

Leases of charity estates for twenty-one years, the lessors being not mere trustees, but having also a beneficial interest, set aside as breaches of trust by undervalue.

“ The information, stating the foundation of the free school of Pocklington in the fifth year of King Edward VI., and indentures in the first year of Queen Mary, giving lands to the master and usher, and their successors forever, to hold in trust for the maintenance of the school, complained of several leases of the charity estates, for twenty-one years, at very low rents, viz. :—The 13th of August, 1800, at the annual rent of £3, the value to be let being £92 per annum ; the 3d of December, 1800, rent

£2 13s. 4d., annual value £141; 12th December, 1800, rent £1 2s. 6d., value £35; 26th November, 1804, rent £1 13s. 4d., value £26; and 23d November, 1805, rent £5, value £132. On the death of the late master, in 1807, the relator was appointed.

"The information, charging that the whole of the rents, amounting to no more than £63 12s. 6d., is very inadequate to the support of the school, and that the granting such leases was a breach of trust, prayed that the defendants may be decreed to deliver them up to be cancelled, and to account for the full value since the death of the late master; and a reference for a scheme for letting the estate agreeably to the intention of the founder.

Sir Samuel Romely and *Mr. Bell*, in support of the information: *Mr. Hart* and *Mr. Shadwell* for the defendants.

"THE MASTER OF THE ROLLS, [SIR WILLIAM GRANT,] (preventing the reply,) made the decree setting aside the leases, referring to his judgment in the *Attorney-General vs. Magwood*, and observing that having then had much occasion to consider this subject, he found several cases in Duke, Vernon, and modern reports, particularly the *Attorney-General vs. Gower*; that the short duration of the term was immaterial, and the only distinction of this from the late case was, that in those the lessors were mere trustees, and in this instance they had also a beneficial interest; but such leases are not to be encouraged on account of the inconvenience both ways, the trustees not doing their duty, and the lessees getting the land at a low rent."

In that case, although they had a beneficial interest, yet the grant, or rather the lease, was so unreasonable that the court of equity set it aside; but at the same time they recognised a distinction between cases where the managers of the charity have a beneficial interest, and where they have merely the management for the benefit of others who are the beneficiaries. Now, in this case, the Methodist Episcopal Church are not the beneficiaries, they are the managers of this charity for the sake of others, who are, it is true, in some sort connected with the Church, and who take the usufruct in some measure in ease of the Church, but they are nevertheless distinct in point of interest. I have already stated that there is a connexion between the officers of the Church, when the property is given for their benefit, and the Church itself; and I showed you a case from the first Pennsylvania Reports, where the disposition was considered in ease of the Church. But still there is a distinction. This Church, although this property is given in ease of it, would have no right to divert it to any other portion of the Church, or apply it to any other interest in the Church, or at least so much of it as may be required to fulfil the end designed to supply the beneficiaries. It must to that extent go according to the designation of the charity, for the benefit of those who are marked out as the objects of the charity. I believe I have already pointed out the distinction between the identity of the Church and the beneficiaries of this charity, as connected with the Church and the Methodist Episcopal faith. I have shown you that you could not apply this charity to objects which were not connected with this Church itself, in its organization, in its discipline, in its identity. That connexion must be observed; and it will not do to say that the parties, or any persons who have the management of it, have a right to apply it to other individuals who may be ministers of some Methodist Episcopal Church, or who may answer the description of wives, widows, or children of some ministers of some other Methodist Church, happening to be of the same faith. They must, therefore, be entirely connected, and, as I before observed, in addition, that organism must be preserved, and it must be carried out by the Court.

Now, the annual conferences in this case must concur with the General Conference in reference to the management and disposition of this charity, when any disposition can be made, because, as I before remarked, they are concerned just as much, in their respective spheres, in the general disposition of the proceeds of this

charity as the General Conference itself. But if all of them concurred, the power is not complete to undertake to divide these funds; and before I proceed to point out my objections, I will meet the cases advanced on the other side for the purpose of overturning the principle I state. We are referred to the Canada Conference. You will recollect, however, the Canada Conference was no part of the Methodist Episcopal Church. It was simply an appendage, and it has been so treated throughout, and a connexion of a temporary character. I will call the attention of the Court to one or two items upon this subject. In 1824 an attempt was made to divide this from the Church, and in their memorial they point out the nature of this connexion:—

“Sensible as we are of the advantages derived from the connexion with which you have kindly favoured us, we are nevertheless constrained by the circumstances in which we find ourselves placed to request a separation.”

You there find that the Canada Conference is treated as being no integral part of the Methodist Episcopal Church, but connected with it simply by a temporary union, or a temporary alliance, if I may so call it. Well, now, in respect to all that class of cases a distinction has been drawn. If your Honours will advert to the case of *Miller vs. Gable*, 2 Denio's Reports, you will find great stress was laid upon the fact that that particular Church formed no part, no integral part, of the German Reformed Church, but that it was connected with it in the nature of a temporary alliance. That was precisely the case in the Presbyterian Church controversy, in regard to the Churches in the Western Reserve. It was there held and finally carried out in the decisions in Pennsylvania, that it was not a constituent branch of the Church, but a temporary alliance.

I apprehend, therefore, that that Canada case has no bearing upon the subject. Besides, no part of the property, finally, was given to the Canada Conference. And when you come to look at the votes upon that subject, you will find that the Southern conferences, almost to a man, voted against their taking any portion of this property. You will find that fact stated in page 47, First of the Proofs. It is certainly true that the Church finally did make some allowance, and perhaps the remark made by the counsel on the other side was correct, that if they were not entitled to anything the General Conference was wrong in giving them such privileges as they did. The answer to all that is, that it does not alter the principle. They can draw nothing from that case to support them in regard to the power of this Methodist Episcopal Church to cut itself in twain, and then, as managers of this charity, to undertake to divide the funds in this way.

The counsel who is to close the argument on the other side, has referred to a case in 1 Peters, 542, as having some analogy to this subject. He refers to the Constitution of the United States, which gives to the federal government the power of regulating their territories, and then he says, it is claimed by the Supreme Court of the United States, in this case in 1 Peters, that they were authorized to establish over the territory acquired by treaty a territorial government, in virtue of that power which is contained in the Constitution. That is all certainly true. Such a decision was made, and I believe no sound jurist will ever attempt to impeach its correctness. They had the power. It is in the very nature of the power granted. When you look at the subject of the grant, which had relation to the exercise of a sovereign power, it was in the very nature of things that that power should be exercised by creating a subordinate delegated sovereignty. But what bearing has it upon the present case? If this Methodist Episcopal Church, in the extension of her territory, had created and set up a new annual conference under their control and jurisdiction, there would have been some analogy. Then it would have been simply the creation

of a subordinate government under their control, and it would have preserved the unity and identity of the entire Church. But that is a very different affair from a division of the Methodist Episcopal Church, creating a new jurisdiction altogether and entirely independent of the Methodist Episcopal Church. Now, suppose, in order to illustrate this case, that under this power to regulate territories, the government of the United States should undertake to separate this territory, to declare it independent, and to set up an entirely new and independent government free from their control; if they were to do that, there would be some analogy. But, I apprehend, Chief Justice Marshall never would have undertaken to sanction such a proceeding, on the ground that the Constitution in that passage referred to authorized such a course to be taken. That would present a case somewhat analogous to this, and I will venture to say, such a case never will occur. If ever this country should be divided, if ever a portion of it should be separated from the rest, and it should finally, in the course of events, come to be fully established, it must rest on some power, some mode of proceeding, out of the Constitution and not there provided for; and if ever this Methodist Episcopal Church is divided, as it has been in fact divided, and if ever they take the property in consequence of that division, without a positive agreement between the parties on the subject, it must be by force of some principle which you cannot find in any provision in the government and discipline of the Church. It does not provide for any such case.

Now, I submit that there can be no such power; and the only way that I can see in which an agreement to divide this property, after dividing the Church, can be carried out by this Court, would be upon the principle of compromise; and if these parties had fairly and without precipitation gone on and carried out that compromise—if the opposite party had gone regularly on under the agreement, and waited until the concurrence of the annual conferences had been obtained, pursuant to the terms of that compromise, and had made the arrangement—then I can see that this Court could have carried it out; but even then it would have required the sanction of this Court to give it effect. Upon this subject I refer to *Shelford on Mortmain*, 608, referring to the case of the Attorney-General *vs.* The Merchant Tailors' School, 7 Vesey, 233, and *Andrew vs. Trinity Hall*, 9 Vesey, 535.

“*Trinity Hall* in *Cambridge*, devisee in remainder after estates for lives, in trust, for founding four new scholarships, for making additional buildings to that college, and for founding four new fellowships, were held not to have accepted the devise, by acts done merely for the preservation of the fund; and upon their refusal to accept it, after the death of the tenant for life, the Court directed the master to receive a proposal in order to have it considered whether it could be executed *cy-près*; and the testator having expressed in his will, that no person should be qualified for the scholarships and fellowships he intended to found, unless they should have been educated in *Merchant Tailors' School*, the master was particularly directed to receive a proposal on the part of that school, for the establishment of a charity within the terms of the testator's will. A compromise afterwards taking place to apply part of the fund to an establishment at *St. John's College*, in Oxford, with which college the *Merchant Tailors' Company* are connected, and to give the rest to the next of kin, it was, with the consent of the attorney-general, established by decree. And the next of kin, after this compromise, having filed a bill against *Trinity Hall*, for an account, the bill was dismissed, the Court holding the next of kin bound by the compromise.”

And you will find also in the case of *Black vs. Lagan*, Harper's South Carolina Reports, 215, a case of this character and description, in which Chancellor De Saussure advised and recommended a compromise, and even went the length of delaying the decision of the Court to give the parties an opportunity of carrying it out. But in all these cases it must be done under the sanction of the Court. In the case of an

ordinary alienation of property held for charitable uses, the sanction of the Court was required, and for this plain reason: that parties beneficially interested have not such an interest as will enable them to alienate it, and in all cases if a man purchases and takes a lease from the trustees of the charity which is improvident and unreasonable, the Court of Equity will set it aside, holding that a party taking a lease of such property or land, takes it *sub modo*, and it ought to be set aside if the chancellor, who represents the interests of the beneficiaries of the charity, should think that the lease is improvident and unreasonable. I refer the Court upon this subject to Shelford, 658 and 698.

The Court will find a striking case in the Attorney-General *vs.* Warren, which is to be found in 2 Swanson, 291; a case of a charity lease which required the sanction of the Court. I will refer you also to Shelford on Mortmain, 698. If in the case of an ordinary alienation of property which is held for charitable purposes, the trustees and parties having the management are bound to a provident alienation, if that alienation is considered under the control and direction of the Court, and if an alienation without any fraud, without any mistake, can be set aside merely because it is unreasonable or improvident, it shows how completely the disposition of property which is set apart for charity and other public uses, is placed under the direction and control of a court of equity; and the reason to which I have adverted shows the propriety of it. There are no beneficiaries to look after this charity—none that have a *vested* interest in it even in equity. If this is the case in ordinary alienations of property held for such uses, how much more strongly must it be the case when you come to a subject like this, which stands out of all ordinary rules of proceedings, which is not provided for by the government and discipline. I mean the case of a division of the Church, and a division taking place on account of disputes and difficulties arising in the Church. In order to sanction such a division,—I mean when you carry it into the property, and more especially when you carry it to the case of property appertaining to a charity where that Church have simply the management of the charity,—how much more important is it that every disposition of that kind should be made under the sanction and under the control of a court of equity, whose office peculiarly is required to protect this kind of charity.

Now I will venture to say, that if a little more time, and a little more patience, had been exercised in this case, that compromise would have been fully carried out. It is strange that in these religious cases, when the parties once get a little heated, they seem to be less disposed to exercise that patience and forbearance than even in ordinary cases of controversy between private individuals. The same hot haste occurred in that division in the Society of Friends to which I have frequently alluded; and Chief Justice Ewing, in his decision, at page 58, remarks, in substance, that if either party had not fallen off from the ancient principles of the Church—patience, forbearance, brotherly kindness, and charity—the meek and mild spirit which has been believed to characterize and adorn the genuine Friend would, under the blessings of Providence, have wrought out a perfect reconciliation.

I really believe, that if the members of this Church had acted with a little more caution, a little more forbearance, a little more of that charity which Saint Paul has so beautifully described, and which, I believe, this society have generally striven to act up to—if they had carried that out in this controversy, I think I may venture to say, that although they might not have united again, if the division had been consummated, there would have been an arrangement not only as to the ecclesiastical separation, but as to this property, which would have restored at least between them brotherly kindness, and perhaps more of the unity of spirit than might be expected, considering the condition of our public affairs, if they had actually continued together. But they

did not take this course. Any man who will read that Plan of Separation, must see that it contemplated a full and fair consideration of this subject in the respective annual conferences of the South, and that upon such consideration, before any division was actually to take place, they were to be brought to the conclusion that that separation was *necessary*—the strongest language which could have been used upon that subject. The deliberations and decisions of those conferences would have required time, and all great questions of this kind ought to receive time for their settlement and adjustment. That would have given the General Conference, North, and the leading men in that Church, an opportunity of going before the other annual conferences, and presenting the matter of changing the sixth article in its true light, and modifying, on sober second thought, the general nature of the proposition, so as to present it in a more definite form; and no doubt the consent would have been obtained. All the members of this Church, with whom I have had any consultation upon this subject, have been satisfied that in that way it would have been effected. But the gentlemen of the South, instead of taking that course, issued that address at the very time that the General Conference passed the resolutions—an address which was manifestly, instead of leaving the subject to the annual conferences, inviting and urging them, though in form submitting it to them, to make a division of the Church, instead of going through the process of submitting it to these conferences and getting their decision. All that was done was to advise them to appoint delegates to meet at Louisville, to form a Convention; and the delegates forming that Convention carried out the division without any consultation and decision upon the necessity of the case by the various annual conferences in the South. This led to the difficulty, and to the bringing of this suit. And they did bring this suit, and no further efforts at adjustment were made, because, from the moment they took this course, the leading members that were left behind in the Methodist Episcopal Church, knew that it was perfectly vain to attempt to effect the concurrence of the annual conferences with this suit pending over their heads. And I think I may venture to say, that if this suit was now out of the way—but I hold no gentleman's proxy in giving this opinion—and a disposition manifested on the other side to meet in the true spirit of compromise, this whole matter would be settled before eighteen months should pass over.

But while I make these remarks, I am perfectly aware, that there is some excuse for these Southern gentlemen—an excuse which ought to be considered by the Church that I represent. That unfortunate question of abolitionism—which has been, for the last fifteen or twenty years in this country, Pandora's box, to let out every evil—has wrought them up to a pitch of excitement which forms, if not a justification, at least some excuse for the precipitancy with which they have acted; and therefore allowances ought to be made on both sides of this question, and no doubt in the spirit of concord and conciliation they will be made. When I make these remarks on the subject of abolitionism, I do not mean any censure particularly of any persons who have suffered themselves to be carried away by that spirit. I know very good men, and pious men, have suffered themselves to engage in it; and this most difficult subject to deal with in the world—this spirit of wild enthusiasm which sometimes takes possession of a man's mind—is a subject which is not perfectly understood as yet. It will require a new chapter in the science of mental philosophy fully to develop it. A man sets out with the best philanthropic motives in the world to carry out some great principle of benevolence. He may not be accustomed to take very enlarged views of things; hence he suffers that one idea to take full possession of his mind. He goes on, filled with benevolence and good feeling towards all the world; but he finally comes to meet with opposition, and that opposition only stimulates him the more, excites a feeling utterly polemical, and altogether different from

that benevolent motive by which he was originally actuated ; and what is more extraordinary, he becomes the victim of the grossest delusion, imagines himself entirely free of all animosity, and actuated still by his original good feeling. I say that these enthusiasts act upon principles of mere individualism. They do not look upon subjects on a large scale. A man takes it into his head that a slave would be better off to be free, and therefore he makes every effort to free him. That does very well in a mere isolated, individual case. But when you take a slave population, composing the entire labouring population of a country, and undertake to free them, you are doing something more than engaging in a mere subject of individual philanthropy. You are creating a new political power, especially in a country imbued as ours is with the principle of universal suffrage, and a power which may be the source of tremendous evil. There is no case in history in which the whole labouring population of a country, being in a state of slavery, have been suddenly freed, except by our British brethren, who have urged us to that course—a course by which they have prostrated completely their West India colonies. This matter of freeing the masses in a state of slavery has been, heretofore, in the history of the world, a work of time. It has taken that course which Lord Bacon tells us is the course of nature. All great reforms require time—long time—to work them out without producing more evil than good.

I have made these remarks upon this subject, because I consider it as deeply connected with the great interests of this country. I have endeavoured to show, and I hope have successfully shown, that the body which I represent, the real abiding members of the Methodist Episcopal Church, as a body, are not to be charged with being guilty of that kind of offence, as it is considered in the Southern States, and by our Southern brethren, and that it ought not to be imputed to them. That there are individual members who adopt these abolition views, and who have even in this Church, by their petitions, excited the Southern mind, and induced them to act with the precipitancy to which I have adverted, there can be no doubt.

I have now, I believe, gone over this case, and I think I have said enough to satisfy the Court that these plaintiffs can have, upon sound principles of law and equity, as administered in cases of this kind, no right to this property ; that they have not waited to abide by the agreement which was made between these parties, which I verily believe would have effected a division of the property, as well as a division of the Church, if they had waited, and which I verily believe also on sound principles might have been carried out under the sanction of a court of equity, but not without such sanction. And I do think if they were to discontinue this suit, and let it pass away, that an arrangement would be effected between these parties in a spirit of peace, and in the spirit of that religion which they all profess, and which I trust most of them, or the great body of them, feel and act upon. Why, it would be most extraordinary if compromises in these religious controversies could not take place. Nine-tenths of the disputes of the world are settled by compromise ; and is a religious controversy to form the only exception ? Are men who are bound together by the same religious faith, professing the same principles, worshipping the same God, seeking the same home hereafter, and by the same religious process,—are they alone to be an exception to this great principle of settling controversies by compromises ? I trust not ; and that I believe is the way, and the only way, in which this question ever can be settled.

If the Court will allow me, I will call their attention to another subject. I am aware that an attempt has been made to raise a prejudice against my clients, for holding on to this controversy. I will call the attention of the Court to some resolutions of the Conference of 1848 on this subject, to be found on pp. 94 and 95 of the Journal :—

“Whereas it is now ascertained that the recommendation of the General Conference at its session in 1844, to change the sixth restrictive article, so as to allow of a division of the property of the Book Concern with a distinct ecclesiastical Connexion which might be formed by the thirteen annual conferences in the slaveholding States, has not been concurred in by a vote of three-fourths of all the members of the several annual conferences present and voting on said recommendation ;

“And whereas the thirteen protesting annual conferences in the slaveholding States have formed themselves into a separate and distinct ecclesiastical Connexion, under the title and name of the Methodist Episcopal Church, *South*,” and their General Conference in 1846 did authorize three commissioners (whose credentials have been received by this General Conference) to present and adjust their claim on the funds of the Book Concern of the Methodist Episcopal Church ;

“ And whereas our *common* and *holy* Christianity prescribes and enjoins the most pacific measures for the settlement of all matters in dispute between individuals, as well as associations of professing Christians, and the whole Christian world will expect ministers of the Lord Jesus Christ to adopt the most peaceful and conciliatory measures for the settlement of any claim that may be urged against them ;

“ And whereas this Conference desires to advance, as far as its constitutional powers will authorize, toward an amicable adjustment of this difficulty ; therefore,

“ *Resolved*, By the delegates of the several annual conferences of the Methodist Episcopal Church in General Conference assembled, that we hereby authorize the book agents at New-York and at Cincinnati to offer to submit said claims to the decision of disinterested arbiters ; provided that if said agents, on the advice of eminent legal counsel, shall be satisfied that when clothed with all the authority which the General Conference can confer, their corporate powers will not warrant them to submit said claim to arbitration, this resolution shall not be binding upon them.

“ 2. *Resolved*, That should the agents find, upon taking such legal counsel, that they have not the power to submit the case to voluntary arbitration, and should a suit at law be commenced by the commissioners of the Methodist Episcopal Church, *South*, said agents are hereby authorized, then and in that case, to tender to said commissioners an adjustment of their preferred claims by a legal arbitration under the authority of the Court

“ 3. *Resolved*, That should the agents find that they are not authorized to tender a voluntary arbitration, and should no suit be commenced by the commissioners aforesaid, then and in that case the General Conference, being exceedingly desirous of effecting an amicable settlement of said claim, recommend to the annual conferences so far to suspend the ‘ sixth restrictive article ’ of the Discipline, as to authorize our book agents at New-York and Cincinnati to submit said claim to arbitration.”

It thus goes on with a number of resolutions to the same effect, inviting an amicable adjustment of this case. My clients then cannot be blamed for having brought on this controversy, or for its continuance.

HON. REVERDY JOHNSON.—May it please your Honours, I propose to consider the question in this case under four general heads :—

The first is, the power of the General Conference of 1844 to adopt the Plan of Division of the 8th of June of that year.

2d The construction of that Plan ; which, as I shall maintain, is that the division of the Church was made to depend exclusively upon the decision of the conferences in the States in which slavery exists, and upon no other contingency, and that the change in the sixth restrictive article in the constitution of the General Conference was made to depend, and solely to depend, upon the decision of all the annual conferences of the entire Church as at that time constituted.

3d. That by force of the division of the Church, produced under the Plan, by the decision of the annual conferences in the States in which slavery exists, the property of the Church is to be divided, upon equitable principles, between the two Churches, North and South, without regard at all to any change of what is termed the sixth restrictive article

4th and lastly. That admitting that the Conference of 1844 had no authority to adopt the Plan of Division which they undertook then to adopt, or that that Plan was conditional, and the condition not carried out, the state of things which still exists entitles the plaintiffs to relief upon the present bill.

These inquiries are, all of them, plain and simple. To be fully comprehended they require no extent of legal learning—no depth of particular research. To be properly enforced they demand no particular ability ; and I should therefore approach the argument, if the controversy turned upon them alone, with no other solicitude—great as the pecuniary amount which depends upon this decision may be, and important as it is to those whom I represent—than that which ordinarily and properly belongs to the relation of counsel. But I confess a deeper and more absorbing anxiety ; and that I rise oppressed by the responsibility which I feel is upon me. When I remember the origin of this dispute, I lose sight of the dollars and cents which it involves, and for a moment forget the direct and peculiar interest of my clients. There are reflections connected with that origin of such general and pervading interest,—so directly and vitally important to the usefulness of this very estimable denomination of Christians heretofore so harmonious and prosperous,—so material to the quiet of the public mind, and possibly so important to the very existence of the form of government under which we live, that I feel a trembling and nervous apprehension lest the proper adjudication of it by this Court, instead of being assisted, may be, in a measure, impeded by the manner in which I shall discharge my duty. The heart of the entire nation has been feverishly palpitating for the last few years, and yet so palpitates, in fear that, unless the very cause from which this dispute springs, is speedily and forever terminated by the good sense, virtue, and patriotism of the people and of all the authorities, state as well as national, the peace and happiness, the power and the glory which have heretofore illustrated our career, and made us the admiration if not the envy of the world, will be substituted by discord and wretchedness, debility and degradation, civil war and bloodshed. And is it too much to say that this alarmed state of the public mind is, in a great measure, to be attributed to the very controversy which your Honours are now called upon to settle ? I have an abiding hope, and it is a consolation which will go with me through the argument, that the principles of law which the Court will have occasion to inculcate, and the rights which your duty will call upon you, as it will be your pleasure, to maintain as existing in the various sections of these United States, are such, and so firmly established, that, with the claims to the respect and confidence of all, which station, attainment, and patriotism give to this tribunal, the settlement of this case will tend much to quiet the public apprehension as well as to settle the particular dispute. It will be my part, as far as I am able, to assist the Court in the deliberations, which I trust will lead to this happy result.

First. Had the Conference of 1844 the power to adopt the Plan of Division of the 8th of June in that year ?

My learned brothers upon the other side deny the power, and deny it with an earnestness and an ability which demonstrates a foregone conclusion in their own minds, that if the power can be maintained the rights of the complainants will be established. Where then in 1844 was the Methodist Episcopal Church in these United States ? An associated body of men, tracing their origin, as far as their particular and exclusive organization was concerned, to the proceedings of what has been denominated the General Conference of December, 1784. In the exercise of their rights as citizens of the United States, inspired by the spirit of the holy calling to which the men of that day had devoted themselves, with the assent of Wesley, the founder of Methodism, they resolved upon establishing a particular and

exclusive ecclesiastical jurisdiction for themselves within the limits of the United States, if not co-extensive with the continent of America. I understand my brother, who spoke first upon the other side, as conceding, what indeed could not be denied, that in the very nature of such an association, whether looking to its original and inherent rights at the moment of the adoption of its constitution, or at the objects to be accomplished through the instrumentality of that constitution, there must exist somewhere a power to change ;—and indeed it cannot be true that such power does not continue to exist, unless it be true that as a matter of law the exercise of such a power, by reason of that exercise, exterminates then and forever the power itself. Now if I can show to the Court—standing upon the authority of that concession, if I had not even higher ground to stand upon—that the Conference of 1808, which delegated its powers to the Conference by whom the Plan was adopted of June 8, 1844, had all the powers of the original Conference of 1784, the controversy in this branch of it is at an end.

Methodism, as you know, honours, and may well and proudly honour, as its author and founder, John Wesley, of England, an Elder in the Church of England, whose holy life and extent of foresight and of wisdom, well challenge admiration. Upon prudential and patriotic reasons, which I commend to those who differ with my clients in this particular exigency, he resolved that it was his duty as a man, and a subject, and a Christian, to take no step which could endanger the political institutions of his country. He established, therefore, no peculiar Church ecclesiastically with reference to the government. He rendered a ready and willing obedience, from the moment he was converted to the lights of Methodism, to the established Church of the land, believing, as he did, that that Church was inseparably connected with the political institutions of his country. His power over Methodists was absolute and despotic. The only government, so far as it was a government, that Methodists recognised, rested in his will, and reposed, and confidently and safely reposed, upon his virtue and piety. He appointed the preachers. In him was vested the property of the Church. He controlled it in everything ; and the members who devotedly followed him were too happy to live under the government of such a man.

The tide of conversion rolled on. From the few who originally met in the private room of Wesley, thousands were seen coming under his banner, until at last, for convenience' sake, and for convenience' sake alone, without stripping himself of any power which by the original form of government was his, he asked from time to time the advice of his followers, following it or not, just as he thought advisable for the interests of the Church. In anticipation of his death, he intrusted the whole property of the Church, which stood in his own name, and was to stand until his death, and the entire government of the Church, to one hundred of his followers—preachers of his own selection. From that time until a comparatively recent period in the history of the sect, the whole government was centred in these one hundred men. At last, Wesley's spirit being called to the Author from whom it came, and the progress of enlightened civilization having yet more illuminated the public mind, and broken down many remains of former religious persecution, the Methodist Church within the last fifteen or twenty years in England has become a separate ecclesiastical establishment, governed by a president and governors invested with all ecclesiastical power. But from first to last the entire power of the Church, whatever that may have been, was vested, first in Wesley, then in the one hundred men, and now is in the particular organization which prevails in England, without a remnant of power to be found elsewhere in any of the followers of this faith.

My learned brother who concluded to-day, stated in perfect fairness, and by his

statement answers, if he will permit me to say so, a great part of the argument of his colleague, that there was a leading and important distinction between the delegation of mere power from a principal to an agent, and a delegation of sovereign power by a sovereign body to those to whom the sovereign body thinks proper to intrust such sovereign power. Now such was the condition of things in 1784, as far as concerns the power of John Wesley, when he wrote his letter of the 10th of September in that year. The preachers in this country, during the revolution and before it, had vainly solicited from him authority to establish a religious government for themselves. This he steadfastly refused. He was restrained, as he says in that letter, by the patriotic considerations to which I have adverted, that such an establishment might endanger the institutions of the country to which he owed allegiance. A train of events sundered the American provinces from the political government of England, and a new state of things existed which rendered Wesley's scruples inapplicable, and made it his duty to agree that there should be such a peculiar and distinctive establishment. Where did the predecessors of the Northern preachers, from whom all authority is derived, look for the power to call the Conference of 1784, for the purpose for which it was called? To John Wesley, as the person in whom, at that time, was vested *the entire and exclusive sovereign power of the Church*. It is unnecessary to inquire whether by virtue of some inherent and inalienable right, the power might not have been found in these gentlemen in 1784 irrespective of the will of Wesley. It is sufficient for me to show that in 1784 they claimed, and claimed alone, the power they exerted in the Conference of that year, under the authority of Wesley, *as the author, sovereign, and founder of the Church*. Who constituted the Conference of 1784? My learned brother, who spoke first upon the other side, would have had your Honours to believe, what of course he satisfied himself was the fact, that that Conference was called together not only by the preachers of the Church, but by all the lay members. There is not a word of truth in the statement, although, of course, the learned counsel believed it to be true. It was a general assembly of the preachers connected with the Methodist denomination of Christians, convoked only as preachers, without reference to any lay authority express or implied. Not being as familiar with the history of the Church as my colleague, who was kind enough to undertake to lay before the Court the evidence which is found spread upon the records in the case, I inquired, as soon as the statement was made, whether there was any foundation for the assertion that the Conference of 1784 had any other authority for its convocation than the authority of Wesley, and the authority in themselves as preachers alone connected with the Methodist Association. I found that there was not. If your Honours will turn to page 5 of the Proofs, No. 1, you will find, that immediately succeeding the letter of Wesley, which authorized the separate organization, it is stated: "To carry into effect the proposed organization," (Wesley's proposed organization,) "a General Conference of preachers was called, to meet at Baltimore, at Christmas, 1784. Sixty out of the eighty-three preachers then in the travelling connexion attended at the appointed time. At this conference, say the annual minutes of 1785, it was unanimously agreed that circumstances made it expedient for us" (that is the preachers) "to become a separate body," &c. They admit no constituency. The time is perhaps coming when, in all probability, they will be obliged to admit one for the good of the Church. They resolve for themselves, and for themselves alone, as the possessors of all the ecclesiastical power known to the Methodist Church, to carry out the particular organization authorized by John Wesley, without reference to any other authority than his, and their own conviction that the good of the Church demanded such a special and particular organization.

It is true, the Church being organized in 1784 through the instrumentality of this

Conference, the travelling preachers who constituted the Church—supposing the Church and the governors of the Church, for the sake of argument, to be identical—that from the period of that Conference until 1792 there was no other General Conference of the Church. But why? Because of the difficulty, in the then condition of the country, the wide and almost exhaustless spread of territory over which these pioneers in the cause of Christ were obliged to travel, of getting to any particular location for the purpose of consulting as a body upon the true interests of the Church. But in 1792, as will be found upon page 12 of Proofs No. 1, it was deemed advisable by these governors—it being always understood that the governors mean the travelling preachers and nobody else—to bring together another general assembly of themselves. That was called in the same way, consisted of the same parties, was clothed with the same power, and bound to discharge the same duties, limited only by a rational and proper consideration of these duties—and the first thing that they did was to say of whom the General Conference thereafter should consist. The inconvenience of convoking the whole was still found to be pressing. The government in the abstract was a good one; in the particular it was objectionable, for the whole could not be brought together. Then they determined in 1792 who should constitute the General Conferences thereafter to be convened; and it was done in the form of question and answer. The question propounded was,—

“Who shall compose the General Conference?”

“*Ans.* All the travelling preachers who shall be in full connexion at the time of holding the Conference.

“*Quest.* When and where shall the next General Conference be held?”

“*Ans.* On the first day of November, in the year 1796, in the town of Baltimore.”

Now you look in vain for any decision of that Conference of 1792 limiting the powers of a General Conference called under the authority of the Conference of 1792. You look in vain for anything to be found in that part of the record, or anywhere else in the Proofs, indicating a design upon the part of these travelling preachers, who originally constituted the entire government, to cabin and confine the jurisdiction of the General Conferences which were thereafter to be convened under the authority of that Conference. In the language of my brother who spoke last, the Conference convened, under the authority of that of 1792, in Baltimore in 1796 had, by the very terms of the constitution under which they were convened, *all the sovereign authority of the sovereign body by whom it was delegated*. No modicum of power was left elsewhere. The Church was not to look elsewhere for any portion of authority. The entire Church—meaning by the Church the government—the entire sovereignty within the Church and over the Church, possessed first by Wesley as its founder, then, under Wesley's authority, by the General Conference of 1784, and then by the Conference of 1792, assembled under the authority which convened the Conference of 1785, was devolved upon the Conference of 1796, and descended, in an unbroken line of succession, to that of 1808, in which consequently was vested the entire sovereignty and authority of the Church.

It is unnecessary, for the purpose I have in view, to trace the action of the Conferences, in particular, from 1796 to 1808. Let us come to that of 1808. I beg your Honours' attention while, with some additional particularity, I discuss the question of the power devolved upon the Conference of 1808. For that purpose I refer to p. 27 of Proofs No. 1. 1796 has passed; 1800 has passed; 1801 has passed; 1808 has arrived; and from 1796 down to 1808, not a suggestion is to be found, not an indication is given, in any part of the history of this Church, which authorizes, by the most forced and distant implication, the inference that the Conference of 1808 and the antecedent Conferences were not clothed with the entire sovereign powers of the

Church. I beg your Honours, throughout the argument, to remember this. What is the state of things in 1808 ? The Church, by the blessing of God, had proceeded in a career of prosperity which the world had never before, in the history of the Christian religion, witnessed. The lights of Christian civilization had been carried by these servants of God into the remotest parts of the continent. The densest wildernesses had been penetrated—Christian faith, and charity, and hope, had been conveyed everywhere by these humble, zealous, devoted ministers of the Saviour. The comparatively limited population of the United States in 1796, and the still more comparatively limited one of 1784, had swelled to the extent of millions. The entire territorial territory of the United States was beginning to be populated, and the prospect was certain and absolute that that population would increase even in a still greater ratio. Preachers must be left at home. The work of God, in the hands of these good and pious men, is not to be postponed for a moment. There must be such men always left in the vineyard. The flock must be ever sedulously and anxiously watched. Some of the shepherds must at all times remain at home. A delegated Conference then becomes absolutely necessary to the object which the original government of the Church had in view—the spread of the Gospel everywhere,—and for that delegation, the Conference of 1808 decided it was their duty then to provide.

Before I take up the terms in which that provision was made, let me ask *a priori*, looking to the necessity which forced the conviction upon the Church, whether it could have been then the purpose of the Church to strip that General Conference of the powers with which those from 1784 down to 1808 were clothed, so as to render them incapable of accomplishing that which all other Conferences were capable of, and had been authorized in terms to accomplish—the salvation of the Church, the prosperity of the Church, the tendency, by means of the doctrines and practices of the Church, of wedding a man still more efficiently to the interests and safety of his country, the preservation of that fraternal affection and love which had so beautifully and nobly illustrated the character of the governors of this Church, the preachers, up to the moment of this unhappy controversy—a spirit which I trust in God is not dead, but only sleepeth. What, then, was the condition of things in 1844 ? I propose by-and-by to call your attention to the authority on which I speak on that subject, to show that the existence of Methodism in thirteen States of the United States was then so hazarded, that its destruction was considered as absolutely inevitable, if things were permitted to remain as they were.

Now is it to be imagined that such a body of men as composed the Conference of 1808 was so short-sighted, so blinded, that they would necessarily provide in advance against the exercise of an authority which it might be absolutely necessary thereafter to exercise in order to save the Church itself !—meaning by the Church, Methodism, as contradistinguished from its mere government ; meaning by the Church, the Methodistical sense of the term—the connexion of good and pious men, who make the Bible their creed, and hold fast only to that which is there expressly disclosed, or may be thereby, by clear reasoning, maintained and established. Here is the argument, in terms, of my learned brother, by whom the case of the defendants was opened. The power existed in 1784, because it was a peculiarly convened Conference ; the power existed in 1792, because it was a peculiarly convened Conference ; the power existed in the two Conferences, because they were called together for special purposes, which these preachers had in view at the time the calls were made ; but that the Conference convoked in 1808, being convened for no special purpose, was deprived of the authority to accomplish this vital and special purpose of preserving the Church. I asked my brother, and I think the Court heard me, “ Do you mean to deny that there existed in 1808, somewhere in the Church, the authority to devolve

the power, which was exercised in 1844, upon the General Conference?" The answer was, "That is a moot-point;" and by a species of argument which I could not understand, he did not argue it, because it was mooted. He had admitted it away, as I stated, at the commencement of his argument. Then I have a right to assume that the power was somewhere in 1808. Where was it, if not in the Conference of 1808? I crave your Honours to ask yourselves that question, when you come to deliberate on the case in your chambers. This Church, be it remembered, even unto the present time, and I speak it in no offensive sense, as regards its government, has been absolutely, since the days of Wesley, an aristocracy. Laymen have had, and now have no voice in it. If there is a layman within the sound of my voice, he knows he has no voice now. Heretofore they have been satisfied with the government. They have acted upon the saying of Pope,—

"For forms of government let fools contest,
That which is best administered, is best."

They perhaps will be found changing their opinion, when they find it is not always best administered.

Now I want to know, if the entire sovereign power of the Church was in the ministers, the preachers, what other body on the face of God's earth was there in 1808 upon which to devolve the power of dividing the Church, which must have been in the ministers, than the Conference of 1808. The ministers made the Church. The ministers, in the governmental sense, are the Church. The sovereigns are the ministers, and if it be a part of the sovereign power, in a body of this description, to divide itself, then that power existed in the Conference of ministers of 1808, or it is gone. The admission is that it cannot be extinguished. It is absolute, inherent, and inalienable, as my brother, Mr. Choate, admitted. A body unlimited in the authority to create, is equally unlimited in the authority to destroy, responsible only to their consciences for the manner in which either authority is exercised.

That being the case, and I could not make it plainer by dwelling upon it, and the Conference of 1808 having for the first time authorized a delegated General Conference to manage the concerns of the Church, the question is, Have they not delegated all their power? How are you to ascertain this? Whether they can resume it is another question. But as far as the delegation of power could be made by those who in 1808 possessed all the power, the inquiry is, whether the Conference of 1808 did not invest the General Conferences, to be called under the authority of the constitution they then adopted, with all their own authority. Now, what doubt can there be about that? I will not deny, it would be unjust to myself, and what is worse, disrespectful to the Court, to contend, that the aristocrats, in the ecclesiastical sense, in whom the authority of this Church was vested in 1808, might not have said, that they would reserve to themselves a part of their aristocratic power; and I am not here to contend that, to the extent in which they have reserved a part of such power, the Conference called under the authority of the constitution established in 1808, possesses all the powers of the antecedent Conferences. I admit it does not; but that only shows that all is granted which is not excepted from the grant of power. If there are general terms, devolving the power upon the delegated body, sufficiently comprehensive of themselves to transfer all the power of the body delegating, then it is for him who alleges that any particular power was excepted out of the operation of the general terms, to make it good. What, then, is excepted? Is the power which I shall assume existed in the Conference of 1808—that is, the power to adopt the Plan of 1844—communicated by the terms of their delegation, as these are found in the constitution they then created, to the body provided for by that constitution?

I said that *a priori* such a power is to be assumed. If you will turn to the minutes of the Conference of 1784, you will find the first governors of this Church, saying :—

“And we do engage, &c., to do everything that we judge consistent with the cause of religion in America, and the political interests of these States, to preserve and promote our union with Methodists in Europe.”

“The political interests,” therefore, of the States of the United States, are to control them in the union which they desire to keep up with their brethren across the waters. The exigencies of the cause of our religion here, as those exigencies should address themselves to the Church here from time to time, were to control them in keeping the union between themselves and England. What is the design of the Church? We are told by themselves, in 1784 :—

“What may we reasonably believe to be God’s design in raising up the preachers called Methodists?

“Not to form any new sect ; but to reform the continent, particularly the Church, and to spread scriptural holiness over these lands.”

Almost a world is to be saved. The American continent is to be the theatre of their labours. The safety of man throughout the American continent is to be the object of their efforts ; and how, according to their own notions, was that to be accomplished ? I ask you to look at p. 26 of the Proofs, No. 1 :—

“It is not necessary that rites and ceremonies should in all places be the same, or exactly alike ; for they have always been different, and may be changed to the diversity of countries, times, and men’s manners.”

You are not to confound “rites and ceremonies” here spoken of with the sacraments of the Church. They, the sacraments, are unchangeable. They are ordained of God, and no authority is communicated to his Church to alter them ; no power is given to the Church to neglect them. At all times, in all places, under all circumstances, God’s ordinances are to be observed. The “rites and ceremonies” mean, therefore, a peculiar mode of government of the Church. And the Church, speaking for itself, says : “Show me the country which requires a different form of organization in order to accomplish the holy object in view—the safety of sinners—and you not only show me the right to change such organization, but you establish it as a duty to make the change, a Christian duty to make it. Show me the existence of a state of things, at any time, amongst any people, that requires an alteration of the form of Church government, and you make not only a case of authority, but you establish the obligation to make the change.” And this for the very obvious reason, that otherwise, according to the doctrine of this Church—whether right or wrong is immaterial—the spread of Christian faith, as that faith is found to be disclosed by the Bible ; the spread of Christian doctrine, as that doctrine is believed to be found in the Bible ; the spread of Christian truth and Christian tenets, as such truths and tenets have been revealed by the Gospel, is to be made, under all circumstances, at all times, in all places, the paramount object. Once show the field in which the Church is to operate, in the Methodistical sense of what the Church is, then the mere form of government is but as leather and prunella.

Well, that was the condition of things, and the obligation upon these pious men when they were about to adopt the constitution for the General Conference which was to meet thereafter. Now, suppose I was to read that constitution, with the addition of some restrictions, which by way of argument it is supposed to contain, let us see how it would present and exhibit the authors of that constitution to the approval of the Church or of posterity. “The General Conference shall have power

to make rules and regulations for our Church, under the following restrictions and limitations, to wit :— that they shall not admit into communion with the Church any slaveholder as a member ! That they shall not admit into any official station in the Church any slaveholder ! That they shall not admit into the high and important station of bishop, the superintendent of the Church, any slaveholder ! although they, as governors of the Church may be satisfied, that without the addition of slaveholders as members, officers, or bishops, the Church is extinguished in the South. I am assuming the fact for the sake of argument, would they not be obnoxious to the objection, “ Why, gentlemen, you are a halted and crippled body. You are not only not invested with the power of your Creator, God, and in a condition to carry out the great and vital objects which he has in view, by bringing upon the earth his Church ; but you deprive an entire land of the benefit of this, your Church, which you profess to believe, and no doubt sincerely believe, is as good, if not the very best of sects into which Christians are divided. If you have done that, have you not gone directly counter to one of the articles of your religion ? (for what I read from p. 26, is the 22d Article of Religion.) Have you not said, that the mere form of government is to give way to the exigency which arises from the diversity of country, peculiarity of times, and peculiarity of manners ? Do you not know that the South, in relation to this particular institution of slavery, is diverse from the North ? Do you not know that the times in the South are not your times in the North ? Do you not know that there is, in relation to the particular domestic institution in the South, a peculiarity of manners, and a conviction consequent upon it, which is not to be found in the North ? What do you mean, therefore ? Do you, can you mean, that the Church which you are about establishing, is not to be established with authority to accommodate itself to the change of country, change of manners, and peculiarity of times ? Are you Christians ? Do you not wish the South to be enlightened ? Do you not wish your brother-man, master and slave, there to be saved ? Do you not see that if in the spirit of fanaticism you keep the Church from the master and rob him of the blessings it is calculated to confer upon him, you deprive the slave of the blessings it is calculated to confer upon the slave ? Do you not discover, if you are sincere, and are right, that there is in the existence of Christianity a soft and mellowing influence, which lessens for the time the thralldom of the slave, and may eventually lead entirely to disenfranchise him ; and are you about to deprive master and slave of the happy results which must sooner or later flow from the preaching of your tenets ? Do you not see that you leave the South blinded, wallowing in the very mire of their own sin ? If you are sincere, and believe it to be a sin, do you not see that you rivet over and over again the chains of the slave by depriving him of the blessings of the Christian hope, and of the expectation of that happiness which your religion teaches, is in the next world, if not in this, to be his ! Do you mean to abandon such a field ? ” Why, they would say, No. One of my friends whom I have in my eye, a Northern preacher, almost looks so. The heart says, No. It instinctively goes in advance of the judgment. (Addressing the defendants.) The South, gentlemen, is the theatre for your labours as well as the North ; then it is your high Christian duty to accommodate yourselves to the South, to the times in the South, to the peculiarity of manners in the South. Be kind, and affectionate, and fraternal, and Christian to your Southern fellow-men.

Throwing all national considerations out of view,—high and lofty as they are, they are nothing compared with those that spring from the higher obligations of Christian duty ; and great and important as are the blessings which these institutions confer, they are nothing when compared with the blessings which Christian hope,

charity, and faith teach us we may possess,—as Christians, is it possible that the Conference of 1808, on whom the entire power was devolved, could have designed to start upon a miserable, sickly existence, by adopting an ecclesiastical government, utterly impotent to accomplish the leading object of its existence—the dissemination of religion over these lands, and the enlightening, through the instrumentality of this Church, of this continent? Well, then, if you could not read it in the proceedings of the Conference so as to strip it of the authority to carry this Church throughout the South, without convicting the authors of the constitution of worse than folly and absurdity, but of clear, palpable, and manifest violation of Christian obligation,—I demand of your Honours, and I know what the answer will be, whether, if such would be the character which they would have earned, if such had been the limitations of the constitution they adopted, you will not bring to the consideration of that constitution every intendment, that the powers necessary to extend and enlarge the Church by all means in the power of the Church were intended to be vested in the General Conference, provided for in 1808. My associate and brother, from the existence of particular limitations in this constitution, to be found in the six restrictive articles, has proved, as I think, to demonstration, that unless some one of these articles prohibits the Conference from adopting the particular Plan of 1844, it had the power. I do not go over that argument. I could not make it stronger. I could not state it as well. There are, however, two other considerations connected with the subject, to which I beg leave to call the attention of the Court.

The General Conference, (on page 27, 1st Proofs,) after providing for the manner in which the Conference shall be composed, which had been done before, go on for the first time to define, to limit that which was before undefined and unlimited—the power of the General Conference of the Church. Nothing is plainer than that. As I have already had occasion to say more than once, the Conference of 1784 had the authority to establish two organizations, for the same reason that they had the authority to establish one. They had, consequently, the power to refuse to establish one. Now the General Conference, under the constitution of 1808, are to have “full powers to make rules and regulations for our Church under the following limitations and restrictions.” Let me stop here and read it as it must be read, because I shall only add, in my reading, words which are clearly to be implied: “The General Conference shall have powers to make *all* rules and regulations for our Church under the following limitations and restrictions, *and no other.*” Now mark that. It is not a delegated authority at all, in the sense in which the Constitution of the United States is a delegated authority. The whole power is given to manage the Church. The whole power is given to rule and regulate the Church in any and everything in which it may be advisable that a Church should be ruled and regulated. Nothing can be more clear than this—until we come to the restrictions, the entire power to rule and regulate the Church is in the Conference, and is to be considered only as restricted in the single particulars in which it was meant not to delegate the power. All the rest you have. You are not to imply any other limitations and restrictions than are to be found in the assigned limitations and restrictions. We stand in this our construction of this constitution upon the general terms of the grant. Let our opponents show that these general terms are to be taken *secundum subjectam materiam*, and because to be so taken are to be subject to specific restrictions. What is the *subjecta materia*? It is not restriction. Why, said one of my learned brothers on the other side, the authority to rule and regulate the Church is not the authority to destroy it. That begs the question—in fact, was the Church destroyed? Would it not have been the Methodist Episcopal Church, precisely as it is now here at the

North, if the original Conference of 1784 had provided for two distinct organizations as to government! Nobody can deny it. The proposition confounds the Church with the government of the Church. They are as distinct as day from night. The Church, according to the Methodistical sense of the term, is necessarily unchangeable, because it consists of a body of men who preach that only which appears in the Bible, or can be made out by the true and fair interpretation of what is in the Bible. The government of the Church, or, according to the language of Methodists, "the rites and ceremonies" of the Church, which are synonymous with the government of the Church, unlike the Church, which rests upon the truths of the Bible, may be modified, must be modified, to accommodate themselves to times, places, and manners. These *subjectæ materia*, therefore, which my learned brother, to whom I am now particularly replying, seems to suppose throw a limitation upon this power, so far from doing so, operate demonstrably to prove the existence of the power. Recollect, it is a body of Methodist preachers who are speaking in 1808, not the priests or the local authorities of the Church of Rome, nor the bishops nor the other authorities of the Church of England. It is, then, these preachers, these Methodist gentlemen, who start their existence in the world by proclaiming that their Church is one thing, their government of the Church another. Their Church is indivisible and indestructible. It stands upon the Rock of Ages. The government of the Church is to be founded in the prudence, and wisdom, and foresight of men, and is to be changed from time to time, as circumstances render it necessary for the well-being of the Church.

There is a limitation, however, upon the power of the Conference, which, for the very reason I have adverted to, is placed beyond their power: that is the limitation to be found in the first restrictive article. I ask your Honours to come with me for a moment, to see the effect of that particular restriction upon the question which you have to decide. They have given all powers to make all rules and regulations, subject to certain restrictions, and among them is:—

"First. The General Conference shall not revoke, alter, or change our articles of religion, nor establish any new standards or rules of doctrine contrary to our present existing and established standards of doctrine."

Articles of religion, of course, are not mere governmental provisions. Now if you will turn to the proviso in the sixth restrictive article, which authorizes contingently a change of the restrictive articles, you will find that this first article is specially excepted. Upon the recommendation of two-thirds of the General Conference, and the subsequent sanction of three-fourths of the annual conferences, the second, third, fourth, fifth, and sixth restrictive articles may be changed, but not the first. The language is:—

"Provided, nevertheless, that upon the concurrent recommendation of three-fourths of all the members of the several annual conferences, who shall be present and vote upon such recommendation, then a majority of two-thirds of the General Conference succeeding shall suffice to alter any of the above restrictions, *except the first article*: and also, whenever such alteration or alterations shall have been first recommended by two-thirds of the General Conference, so soon as three-fourths of the members of all the annual conferences shall have concurred as aforesaid, such alteration or alterations shall take effect."

The first article, therefore, is beyond change. It stands as the Rock upon which the Church is built. Everything else connected with it may be beat upon by the storms, and finally washed away and destroyed, but that is there now and forever, until the great judgment-day itself shall arrive, when the hearts of all shall be disclosed, and the consequences of that religion, in blessing or in woe, shall fall upon saved or

sinning men. What are the articles of religion of this Church ? What are its existing and established standards of doctrine ? Go to page 25 of the Proofs No. 1—Extracts from the Discipline of 1840. You have been told that this Discipline is published by each General Conference, as one entire Gospel, so to speak, of the Church. If errors have been discovered, they are corrected. If omissions are to be found in antecedent Disciplines, they are supplied, and each revolving four years gives to this Church the entire evidence of its articles of religion and its doctrine. Now in 1840, as from the first, there is no change. This comes, as it were, from the mouth of Wesley ; he is speaking to you, almost as it were, from the dead, through his successors ; and you are told by this Church in 1840, and of course in 1844—for there was no change in this particular—that

“ The Holy Scriptures contain all things necessary to salvation : so that whatsoever is not read therein, nor may be proved thereby, is not to be required of any man, that it should be believed as an article of faith, or be thought requisite or necessary to salvation.”

Do as you please, brothers, in everything else. If you keep within the truths expressly inculcated by the Bible, or which may be established by a reasonable and fair interpretation of the Bible, you are blameless in the sight of the Church, in the sight of man and of God. What is your doctrine ? Turn to the succeeding passage. What is your doctrine in relation to the peculiar mode of governing the Church ? First, I should have asked the Court to look to article 13, in order to see what is the Church in the contemplation of these Methodist gentlemen and their predecessors :—

“ The visible Church of Christ is a congregation of faithful men, in which the pure word of God is preached, and the sacraments duly administered, according to Christ's ordinance in all those things that of necessity are requisite to the same.”

Here, then, we have the Methodistical opinion of what the Church is. We have the Methodist declaration of what the articles of belief of the Church are ; and going to the succeeding article, upon the succeeding page, we have the doctrine of the Church comprehending the mode of government, and it tells us that the mode of government may be altered from time to time as occasion demands. I have not time, nor is it necessary, to go through everything that has been referred to. I refer in the general to the debates in the Conference of 1840 in Baltimore ; to the debates in the Conference in New-York, in this very celebrated year of 1844 ; to the answer of the American bishops to the letter of the English Church in 1836 and 1840 ; to the speech of Bishop Soule in the Conference of 1844 ; and to the speech of now Bishop Hamline, in what is called the Methodist Episcopal Church, in 1844, to show that this very subject of slavery, if continued to be pressed, and suffered to become a doctrine in the government of the Church, would necessarily lead to the ruin of the Church, South. I speak it not in terms so strong as they addressed to the Conference. In that kind and affectionate appeal to the Conference of 1844, which, trampling, as I think, on all law, pronounced a severe judgment of condemnation upon one of its bishops, when addressing the Conference with all the authority of that wisdom which belonged to the bishops, and all the persuasiveness to be found in the long lives they had spent in devotion to the Church, and in the fact of their intimate and entire association with the Church, South and North, the bishops said : “ For God's sake,” (I do not profess to give the words,) “ for the sake of our common Father, our common God, for the sake of the Church to which we have devoted our lives, stay your proceedings for another four years, or the Church will be ruined !” The British Conference are told by the bishops, North as well as South, in the kind and Christian

response which they gave to their application, which I forbear to speak of, lest I should go beyond the limit which charity would prescribe, "You do not know the condition of things in this our America. This very subject of slavery was sought to be made a fundamental doctrine in our Church in 1784. It was obliged to be suspended in 1785. It was renewed from time to time until, in order to save the Church from disruption, to keep together this body of preachers constituting the Church, to keep in existence the body of men who believe and preach the doctrines which we pronounce to be the doctrines of the Bible, it was absolutely necessary that we should consult, even if they are so to be considered, the prejudices of the South."

Now if this state of things existed in fact,—and the evidence is all one way until we come to the proceedings of the Conference of 1848, of which I shall have occasion hereafter to speak, North and South in the main proclaiming the same truth, that the fate of the Church was sealed, if the doctrines and government of the Church upon the subject of slavery were made more stringent than they were made in 1808 and 1816,—is it conceivable that the Conference to whom was delegated all power to pass all rules and regulations, except so far as specially restricted, for the Church, was not clothed with power to preserve the Church? The state of things which existed presented the question, Is the Church to be destroyed or to survive? Are the doctrines of this our Church to be carried throughout these United States, and spread over the continent of America by and through us, or not? That is the question. The argument of my learned brothers on the other side is, that because under the power to rule and regulate, given to a governmental corporation, political or associated, there is not delegated the power to destroy, it is a legitimate inference that in the particular case under the delegation of power to rule and regulate the Church there is not delegated the power to preserve the Church. It is perfectly immaterial, as far as the existence of the power is concerned, (I am sure your Honours will not think you have a right to decide as to the mere exercise of the power,) whether this state of things, believed to exist in 1844, existed or not. If it did exist, the authority to rule and regulate the Church gave authority so to rule and regulate as to save the Church; and whether it existed or not was a question upon which the judgment of the governing power was to be passed, and exclusively passed. From that judgment there was no appeal. Once devolve upon the Conference the power, the jurisdiction, to do the deed challenged, under any state of things which will justify the doing of the deed, then the exercise of the power is conclusive. Without making any particular reference to the case, your Honours will remember the opinion of Chief Justice Marshall, in the case of *McCullough and the State of Maryland*, reported in 3 Wheaton, in which he maintained the constitutionality of the Bank of the United States upon the ground of necessity, or its being one of the means of contributing to the wholesome exercise of the delegated powers to Congress. The Court said, upon the existence of the necessity, the judgment of Congress is conclusive; and nothing can be more true as a question of law. So we say here, that the Conference of 1844 had the authority by rules and regulations—and the Plan of June 8th is but a rule or regulation to preserve the Church—to govern the Church, which implies the authority to preserve and keep it from destruction. A state of things existed which they adjudged rendered that rule necessary—whether wisely or unwisely, correctly or incorrectly, is, in this connexion, perfectly immaterial; it was their judgment, and the thing judged was within their jurisdiction, just like the case to which I have adverted. The Bank of the United States, as a fiscal instrument by which to enable the Congress to carry into beneficial operation some of the powers expressly devolved upon them, was for Congress alone and exclusively to decide.

A word or two more and I leave this point. This Church was not, as is supposed

by the other side, designed to be confined to the United States. It is a great error to suppose it. It does great injustice to the Church; and if our brethren of the North had had the privilege of getting up and denying such a proposition, I am almost inclined to think that all of them would with one accord have said, "It is not so. We stop not at the limits of the United States, great as those limits are. The world is before us. The world is to be the theatre of our labours." Have they not sent far and wide their missionaries to preach their doctrines of faith to the benighted the world over? What part of the habitable globe is not, as far as they have had the power, the scene of their labours? Wherever man is to be found, there are these soldiers of the cross to be found, fighting for man's salvation. Upon the great ocean of human sin, they might with almost literal truth exclaim,

"Far as the breeze can bear the billows' foam,
Survey our empire, and behold our home."

An empire not protected by the pirate's blood-stained flag, but blessed and heralded by that pure and holy banner which, bathed in the blood of a Saviour God, is the proud and hallowed emblem of a God's love and of man's redemption. To say that such a body of men, with such holy objects in view, fighting under a Leader who knows neither colour nor clime in the disposition of his providence under the laws which he thinks proper to impose, should have no field of labour but the limited field embraced within the territorial compass of any mere human government, is, I speak it with all deference to my learned brother, to libel the Church, to disparage the Almighty.

The Court adjourned.

NINTH DAY.—THURSDAY, May 29, 1851.

MR. JOHNSON,—May it please your Honours, I continue the argument of the first point a while longer, as to the authority of the Conference to adopt the Plan of Division of 1844. My learned brothers on the other side have supposed that in the constitution of this Conference, as it existed in 1844, there is to be found an analogy, as far as concerns its powers, in the Constitution of the United States. A word upon that subject. The well settled doctrine in relation to the Constitution of the United States is, that no powers are conferred by it upon any of the departments of the government, except such as are expressly delegated, or are fairly to be implied from those that are so delegated. It is a government of enumerated powers; it came into existence by force of that enumeration. The body that created it, or the bodies that created it,—for although in one sense it was created by the people, yet in another sense it was adopted by the States—and the States had themselves the inherent sovereign power which belonged to separate and organized communities. Except, therefore, so far as they communicated portions of such powers to the government of the United States, the powers themselves still remained in the communities by whom the delegation was made. If I was successful yesterday, I must have satisfied the Court that the parties creating the constitution of this Conference which assembled in 1844—that is to say, the parties constituting the Conference of 1808, under the authority of which the particular Conference of 1844 was assembled—were themselves the entire, perfect, absolute sovereigns over the whole sphere of the power belonging to the Church. It is, therefore, a matter of construction whether, by the terms in which the constitution of that Conference was created, it was the purpose of its authors to communicate to the government which was to be brought into existence under that constitution all of the powers with which the constituents creating it were

clothed. But I am not left without authority, which must be persuasive on such a point, if it were important to refer to authority at all. I rely upon the authority of the Conference of 1844 itself, and of that portion of the Conference of 1844 which thought it their duty in 1848 to deny the authority of the Conference of 1844 to adopt the Plan of Division which was adopted in that year.

The Court will remember that amongst other things, which were, as I think, outrages, although of course not so intended, perpetrated by the Conference of 1844, was the *quasi* trial, the *quasi* judgment, as it is admitted to be, the *quasi* suspension of Bishop Andrew from his station as bishop in that Church, upon the ground of some alleged misconduct on his part prior to the sentence. The friends of Bishop Andrew, and Bishop Andrew himself, maintained, and, in my humble judgment, triumphantly maintained as a proposition of law, that under the Discipline of the Church, as it stood in 1844, in regard to the holding of slaves by the bishops or other officers of the Church, Bishop Andrew's asserted offence, which it was admitted consisted only in holding slaves after he had been made bishop, was not an offence provided for by any law of the Church. Now, the members of that Conference, who thought differently in 1844, and who degraded Bishop Andrew, in justifying themselves in that sentence of degradation, pronounced under some general sweeping pervading authority which they supposed to be vested in the Conference, over the entire official and private conduct of its ministers, state the true doctrine of the powers of this Conference upon which we rely. Your Honours will find it on page 116 of 1st Proofs. It was the law of the Church, said the ministers from the South, that slaves might be held by the bishops as well as the preachers living in the South; that slavery was not only tolerated where emancipation was prohibited, but it was a law of such binding and general operation as to be equivalent to a constitutional injunction. In the answer to that ground assumed by the South, these gentlemen from the North, in the Reply, which was prepared by a committee of themselves, to the Protest made on the part of the Southern members against the conduct of the Conference in the case of Bishop Andrew, and which Reply was sanctioned by a vote of the Conference, tell us (p. 116) that the condition of the Church with reference to its powers is this:—

“It is, indeed, true, that the question of slavery had been long and anxiously agitated in the Church, and the various General Conferences had endeavoured to adjust the matter so as to promote the greatest good of all parties: but this very fact goes to disprove the position assumed in the Protest; for as the attention of the Church had been thus strongly called to the subject, if it had been the intention to guard the question of slavery by constitutional provisions, it would have been done when the Church actually did meet to frame a constitution. But nothing of the kind appears. For when, in 1808, it was resolved that the General Conference, instead of consisting, as before, of all the travelling elders, should be a delegated body, and when it was determined that that body (*unlike the general government, which has no powers but such as are expressly conferred*) should have all powers *but such as are expressly taken away*—when this vast authority was about to be given to the General Conference, among the limitations and restrictions imposed, *there is not one word on the subject of slavery; nor was any attempt made to introduce any such restriction.*”

The clients, then, as if by anticipation, meet the argument of the clients' counsel. There is, they say in advance, no similitude between the two governments—the Church and the national. The one is a government of delegated powers, the other is a government of vast, and sweeping, and universal powers, over any and every subject connected with the Church, except in the particulars in which these vast powers are pared down by express qualifications or exceptions, so as to place them in these particulars beyond the reach of the Conference. It is true that the writers

of this Reply were looking only to the authority to pronounce the sentence against Bishop Andrew ; but it is perfectly immaterial what may have been the object with which a reference to the elementary principles of the constitution was made. If those elementary principles are such that all power exists, except in the particulars in which it is expressly taken away, then, if there existed in the preachers, in the constituency of 1808, a power to divide this Church, there existed in the Conference created by them in 1808, and under the constitution defining the powers of the Conference created in 1808, a power to divide as one of the inherent powers of the original body, unless there is to be found in the constitution so created in 1808, in some one of the six restrictive articles, a prohibition upon the exercise of that particular power then originally vested in the constituency of preachers. There is no room for doubt on the subject. It is demonstration. He who runs may read.

They now deny that the Conference of 1844 had a right, acting under the constitution established in 1808, to divide this Church, upon the ground that all power was not communicated, although the counsel were unable to deny, and have not denied, that that power existed in the constituency. They maintain that in the particular instance the power does not exist ; but when they are called upon to pass upon the question whether a Southern preacher has offended by becoming the holder of slaves before or subsequent to his becoming a preacher, they assert, for the Conference, in opposition to the law of the Church, an authority to pronounce a sentence of degradation, by virtue of the authority of the vast, general, sweeping, and unqualified powers communicated in 1808.

What else have this Conference of 1844 done ? I ask your Honours to turn to the resolution creating the committee of nine, p. 98, to which was referred the Declaration of the Southern members of the Conference, to be found on p. 97. That Declaration was signed by fifty-one or fifty-two delegates from Southern conferences, and a Mr. McFerrin offered this resolution :—

“ *Resolved*, That the committee appointed to take into consideration the communication of the delegates from the Southern conferences, be instructed, provided they cannot, in their judgment, devise a plan for an amicable adjustment of the difficulties now existing in the Church, on the subject of slavery, to devise, if possible, a *constitutional* plan for a mutual and friendly division of the Church.”

They were not to devise a plan by which the South might secede, and take the consequence of being secessionists ; but some mode which that Conference had a constitutional right to adopt to effect a division of the Church into two Churches, each vested with all the rights within its territorial limits that belonged to the entire Church, as it then existed within the limits of the entire Church.

A member from the South, immediately on the offering of this resolution, Mr Crowder, from the Virginia Conference, seeming to suppose that it was possible that no constitutional mode might be found within the power of the Conference in the opinion of the committee, and impressed with the absolute necessity of a division—or, what is more likely, in order to fix upon the Conference the expression of an opinion that the Church, if divided at all, was to be divided *constitutionally*—proposed to strike out the word “constitutional,” so as to leave it read, “devise, if possible, a plan for a mutual and friendly division of the Church.” The Northern gentlemen voted against the amendment. They wanted no secession ; they could not satisfy their own consciences with the state of things which might be brought about, of having their brethren of the South organize a Church which would not be entitled to all the rights within its own limits, that their portion of the Church would be entitled to within its own limits.

The result of the deliberations of that committee was the recommendation of the Plan of the 8th of June, 1844, under which the Church, South, has organized itself as an independent Church. I know that I am right when I say that there was not a leading man—and there were many leaders of eminent ability on both sides—in this Conference of 1844, who whispered a doubt, after this very plan was reported, of the want of constitutional power in the Conference to adopt it. I beg your Honours to bear that in mind. Not one of the fathers of the Church—justly entitled to as well as enjoying the confidence of the Church upon every ground, personal, moral, religious and intellectual—to whom the constitution of the Conference of 1844 was as familiar as the Bible of their God, even suggested, as a doubt possible to be entertained, that there did not exist in the Conference of 1844 a power to divide the Church as proposed by that Plan. There may have been expressions of opinion in the annual conferences afterwards, and there may have been, in advance of the meeting of the Conference of 1848, in some of the religious newspapers of this denomination, the suggestion of a question, or the expression of a positive opinion of the absence of any authority to adopt the Plan of 1844; but before 1844, during 1844, and pending the proceedings which led to the Plan of Separation in 1844, in all the debates on that Plan, *pro* and *con.*, the existence of a rational doubt to divide according to that Plan was not pretended. That is not all. It was a part of that Plan that the third resolution incorporated into it, which looks to a change of the sixth restrictive article in the constitution of the Church, should be submitted to the annual conferences of the Church generally; and the last resolution makes it the duty of the bishops to submit that particular part of the Plan to the annual conferences, in order to get their sanction of the Plan, so far and so far only.

Where, then, were these brethren of the North? Behind no men in the Church, or out of the Church, in worth and intelligence—where were they? I say it with no purpose of flattery; for that, I trust, I am incapable of, and they do not require it, if I were capable. The proposition is—I speak with reference to both my learned brothers on the other side—that although there exists somewhere in the Church necessarily an authority to divide itself into two organizations, yet that such authority was not vested in the particular Conference of 1844. Where were these gentlemen of the North, then, if they entertained such an opinion, when they voted upon the twelfth resolution in the Plan, which will be found on p. 131, and the twelfth resolution alone, which provides—

“That the bishops be respectfully requested to lay *that part* of this report requiring the action of the annual conferences before them as soon as possible, beginning with the New-York Conference.”

What part of it! If the Conference had not the power of itself to adopt the Plan in that part of it which looked to a division of the Church without the consent of all the annual conferences, then that part of the Plan demanded the sanction of all the annual conferences. Therefore, these brethren virtually said: “We wish not the annual conferences to be consulted at all upon the subject, except with reference to that part of the Plan which by its terms is made to depend upon their sanction”—that part which is to be found in the third resolution, and which looks to a change in the sixth restrictive article. They affirm, then, that the rest of the Plan can stand on the inherent, and then unchallenged power to adopt it, vested in the General Conference. What did the bishops do in pursuance of that twelfth resolution? They issued their address to the annual conferences, to which my colleague referred, asking them to consider the propriety of changing the sixth restrictive article, and in doing so they state their opinion that the *entire Plan is obligatory*. I am speaking

now of the question of power. These five gentlemen, clothed with every claim to regard, as to the law of this Church, having presided at the very deliberations which led to the adoption of the Plan, announced to the entire Church as their opinion, that the Plan was constitutionally binding in every particular, as well in the particulars in which its binding operation was made to depend on the subsequent assent of the annual conferences, as in the other particular, the division of the Church, as to which its binding operation is merely to depend upon the ascertainment of the fact that in the judgment of the annual conferences in the slaveholding States a division was necessary. Where was then the idea which we have heard commented on by the other side, of that unity of government existing in 1844 which put it out of the power of the Conference of 1844 to divide itself? Did not that Conference know—was it not engraved on the mind of each of the members constituting that Conference—that the Discipline of the Church inculcated union? Did they not know that the authority communicated to the Conference created in 1808, was an authority to make “rules and regulations for our Church?” Did they not know what had been the blessings of an itinerant superintendency and a travelling ministry? Why, certainly. They knew, therefore, of the existence of this supposed unity, and it never entered into their brains to conceive that there was to be found in such unity of the Church a constitutional prohibition upon the authorities of the Church to create two Churches, with reference to government, where one only before existed. But what is there in this idea of the unity of the Church? It is confounded in the minds of my brothers on the other side with the government of the Church. The unity of one does not depend upon the existence of unity in the other. Wesleyan Methodists are to be found wherever Christianity is to be found—Methodists who now owe allegiance to this body are to be found the world over. They all constitute one Church, one Methodist Episcopal Christian Church; but they are governed differently, and they inculcate the necessity, in order that there may be this one Church, of different forms of government, that this one Methodist Church may accommodate itself, as a Church, to the country, and the times, and the circumstances in which it may find itself.

If I satisfied the Court yesterday that the Conference of 1784 (indeed there was no necessity for it on my part, for the learned counsel admitted it) had the authority to have then organized two Churches, does it not necessarily follow that there is not to be found in the idea of Church unity any negative upon the power to divide itself into two forms of government? That must be very clear. Then would not the Conference called together in 1784 have provided that there should be two territorial organizations of Methodists with reference to government, within the limits of the United States, one South and the other North, if they had anticipated the state of things which existed in 1844; if, looking to the existence of this peculiar domestic institution to which the South adheres, and which is so obnoxious to some in the North, they had supposed either section of the United States would be liable to be put under the control of the prejudices of the other upon moral political administrative questions? Why, certainly; and yet there would then have been but *one* Methodist Episcopal Church, not two denominations preaching different doctrines and inculcating a different faith, but one indivisible united denomination of Christians, constituting, in the Methodist opinion, the one Church, clothed with all the sanctity of unity. If that could have been done in 1784, according to the same train of reasoning by which I tried to conduct the Court to the conclusion to which I invited them yesterday, it could equally have been done by the Conference of 1792, or either of the succeeding conferences, including the Conference of 1808, which created the Conference which, in 1844, adopted the Plan of Division of June, 1844.

Our brothers, and their clients, discovered only about 1848—they had, as is obvi-

ous, acted upon a different notion altogether before—that although what had been done in the case of the Canada division established the existence of the power to divide, there was to be found in the circumstances of the Canadian connexion with the American Church something which distinguished the American and Canadian Churches in their connexion from the connexion which subsisted between the Southern and Northern Methodists as members of the Methodist Episcopal Church in the United States. My friends find in that case a stumbling-block in the way of their argument against the existence of the power in question. They have told your Honours that the connexion between the American and the Canadian Churches was a mere league, existing by force of a mere treaty, not bringing about, as between the Canada Conference and the American Church, one united and indivisible Church, but one which existed not by force of any governmental existence, not by virtue of any constitutional existence, but by virtue of some supposed, undefined, unintelligible agreement, resulting in a peculiar and undefinable relationship between the two. May it please the Court, we have had, as we all know, various theories about the Constitution of the United States, in the different schools of our statesmen. The one have considered it as flowing immediately from the people, and not as constituting a compact between the States, and existing only by force of that compact, and remaining only in existence as long as each one of the contracting parties thought proper to permit. The difference between the two schools is now threatened to be put in practical operation. South Carolina now announces the rule of constitutional law to be, very many in the South out of South Carolina announce the rule of constitutional law to be, that there is no government, in the sense in which I am sure this Court believe there is a government, created by force of the Constitution of the United States, but that the States are bound solely together by virtue of a league, a treaty, to be found in the assent upon the part of each one of the States, that as between itself and all the other States it agrees to constitute a portion of the Union, and that it has a right therefore to march out of that Union, to put an end to the agreement; and this is threatened to be done. In the days of nullification, when the right to secede was claimed upon a different ground from that which now occasions its assertion, the exercise by congress of its authority to lay imposts and duties, the same doctrine was, in substance, announced. Your Honours, I am sure, are familiar with the paper, but if you desire to refresh your recollections turn, before you decide upon this question, to the memorable proclamation of President Jackson, draughted, as is well known, by the then secretary of state, Mr. Livingston, in which he meets the question as to the consequences to result from the binding operation of the Constitution of the United States, whether that constitution be considered as emanating from the people directly, or as having been the creature of a compact between each State and her sister States. The argument is this: that it made no possible difference whether it came into existence by virtue of the act of the people individually, or by virtue of a compact between the States. The question still was, What were the powers of the government which was brought into existence? Were they such powers as demanded for their execution, for their preservation, for the maintenance of the government so created, that each State of the Union should be held to be, during all time, a portion of the government of the Union, controlled by the Constitution of the United States? There was no unprejudiced man in the United States who doubted then upon the question.

Now, let us apply to the supposed distinction between the Canadian case and the case which existed in 1844 the doctrine of that proclamation. The Canadian Conference existed before they were introduced into the American Church. Suppose it did. What was its condition after it was introduced? How was it introduced?

What was the consequence of its introduction? It was introduced as an annual conference, sent its delegates to the General Conference; it became, analogically speaking, one of the States of this political hierarchy, and bound by all the obligations, and responsible to all the duties which the rest of the Church were bound by or responsible to. My brother who spoke first on the other side, said, that in the nature of things there must have been a territorial limit to the American Church, because it had no authority to go beyond the limits of the United States. Why not? Does the Gospel of Christ know any territorial limits? Is the religion of our Saviour bound by any geographical lines? I beg pardon for putting any such inquiries. There may be, in the particular, local, political governments of some countries, impediments which prevent it from getting within the limits of such territories; but when there are no such territorial obstacles in peculiar territorial governments, the world is before it, not where to choose, but where, from its high and holy calling, it is obliged to go. What says the Discipline? In the History of the Discipline, page 110, we find the following note to the 23d article of religion:—

“As far as it respects civil affairs, we believe it the duty of Christians, and especially all Christian ministers, to be subject to the supreme authority of the country where they may reside, and to use all laudable means to enjoin obedience to the *powers that be*; and therefore it is expected that all our preachers and people, who may be under the British or any other government, will behave themselves as peaceable and orderly subjects.”

It would have been well for the preachers of the North, who were parties to the proceedings which resulted in the separation of 1844, to remember that it was expected of them that they should behave themselves as peaceable and orderly citizens.

“This note was added especially to meet the peculiar case of the brethren in Canada, against whom unfounded suspicions had been created, because the Methodist Episcopal Church, of which they were then a part, was regarded as a foreign ecclesiastical authority.”

The Canadian Church was separated in 1828. The question is, What were its obligations, and duties, and rights when it was in? Did they claim, as South Carolina now does, to secede by virtue of any independent authority of their own, or by virtue of any reserved right, or inherent right growing out of the particular character of the constitution which brought them into the American Church?

Turning to pp. 32 and 33 Proofs No. 1, I find a petition “to the bishops and members of the General Conference of the Methodist Episcopal Church,” from the “Canada Annual Conference,” one of the conferences constituting the Church, and sending delegates to the General Conference:—

“The Canada Conference having, after mature deliberation, deemed a separation expedient, most humbly pray that they may be set off a separate and independent Church in Canada.”

“Set off,” by whom? According to the learned counsel on the other side, it was only for them to say that they willed it, and they could go off; it was only for them to say they would establish for themselves a separate Church organization, and it was done. That is not the view they took of it. They then go on to give the reasons why they ask the General Conference to set them off a separate and independent Church. They are:—

“1st. Our political relations, and the political feelings of a great part of the community, are such that we labour under many very serious embarrassments on account

of our union with the United States, from which embarrassments we would, in all probability, be relieved by a separation.

"2d. The local circumstances of our societies in this Province; the rapid increase and extension of the work, both among the white inhabitants and the Indians; the prospects of division among ourselves, if our present relation be continued, render it necessary for us to be under ecclesiastical regulations somewhat of a peculiar character, so as to suit our local circumstances.

"3d. It is highly probable that we shall obtain some important religious privileges by becoming a separate body.

"4th. In the event of a war between the two nations, it would be altogether impracticable for a superintendent to discharge the duties of his office unless he be resident in this Province.

"5th. It is the general wish of our people in this Province to become separate; nor will they, according to present appearances, be satisfied without such separation."

Now let us see what was proposed to be done, and then what was done. On page 34 I find that the committee to whom this matter was referred, report:—

"The committee are unanimously of the opinion, that, however peculiar may be the situation of our brethren in Canada, and however much we may sympathize with them in their present state of perplexity, this General Conference cannot consistently grant them a separate Church establishment, according to the prayer of the petitioners."

Why not? If the theory now relied upon be correct, the relationship had existed by means of a treaty; the contracting parties were the American Church on the one side and the Canadian Church upon the other; they existed as one, simply because of the operation and authority of that treaty. If, as my learned brother, who spoke first on the other side, and to whom I am particularly replying, supposed, the connexion between the Canada Church and the American Church was only by treaty, and was like a treaty between the United States and any foreign power, that it could be divided by a treaty to which each of the original contracting parties agreed—if this be so, I ask how it is possible that a unanimous opinion could be entertained that there was no authority to grant the prayer of this petition? What doubt could there have been on the subject, if Canada was a contracting party to a treaty and desired to go, and the American Church, the only other party, was willing to let her go? Why, it would be a singular sort of treaty which the parties themselves could not get rid of. If the theory of our friends is well founded, it is a species of domestic economy that would prove very beneficial to a certain class of citizens, even perhaps members of the bar, not to speak of others, which brings into possession property which they could not get rid of. This committee were unanimously of the opinion, that as things then were there was no authority to organize a separate organization of the Canadian Church. Let us see if they believed in the theory now taken, that the connexion was the result of a treaty between these two original parties which either would be at liberty to dissolve. The committee says:—

"The committee, therefore, recommend to the General Conference."

What?

"That *inasmuch as* the several annual conferences have not recommended it to the General Conference, it is *unconstitutional*."

Then if they had recommended it, it would have been constitutional. They want a change of government, not the authority to dissolve a league. Considering that the power existed in the constituents of the General Conference, the annual confer-

ences, they wish first to have a vote of the annual conferences consenting to the separation, and then they say the General Conference could authorize the establishment of a separate Church in Canada; then, instead of being unconstitutional, it would be plainly constitutional. This is somewhat inconsistent with the idea, relied on by my friends on the other side with so much ability, that there was something peculiar in the relationship between the Canadian Church and the American Church.

Now what did they do? Their sympathies ran so high, and they regretted so much the perplexity of their Canadian brethren, that they suffered the Canadian brethren to establish a separate Church, and that by an almost unanimous vote. How do they do it? On p. 37, we find it resolved—

“That, whereas the jurisdiction of the Methodist Episcopal Church in the United States of America, has heretofore been extended over the ministers and members in connexion with said Church in the Province of Upper Canada, by mutual agreement, and by the consent and desire of our brethren in that Province; and whereas this General Conference is satisfactorily assured that our brethren in the said Province, under peculiar and pressing circumstances, do now desire to organize themselves into a distinct Methodist Episcopal Church, in friendly relations with the Methodist Episcopal Church in the United States, therefore be it resolved, and it is hereby resolved, by the delegates of the annual conferences in General Conference assembled:—

“That if the annual conferences in Upper Canada, at its ensuing session, or any succeeding session previously to the next General Conference, shall definitely determine on this course, and elect a general superintendent of the Methodist Episcopal Church in that Province, this General Conference do hereby authorize any one or more of the general superintendents of the Methodist Episcopal Church in the United States, with the assistance of any two or more elders, to ordain such general superintendent for the said Church in Upper Canada,” &c.

That was done. It is not worth while to be hypercritical in the consideration of the terms on which it was done. There was a jurisdiction existing, whether by agreement or not is not material. It all exists by agreement. These annual conferences come under the General Conference by agreement; there is no political power, no ecclesiastical power by which they can be brought in against their own consent, or kept in against their own will. The Church lives in every member of it by agreement, but still it lives as a Church, governed by its peculiar form of government as long as it does live. The Canada case is exactly a case in point. The power exerted was the same. The necessity in one sense for the exercise of the power was the same. The manner in which it was exercised was substantially the same. And from 1828, when that power was exercised, up to the time when your Honours have been called upon to hear this cause, or up to a period comparatively recent, nobody whispered the existence of a rational doubt of the power of the General Conference to divide itself into as many separate and distinct Churches as in their judgment the good of the Church demanded; as far as I am advised, no one of the annual conferences which was called upon to decide under the third resolution of the Plan of Division, whether they would change the sixth restrictive article of the constitution of the Church, ever, by vote or declaration, denied the constitutionality of the division. I beg your Honours to bear that in mind. Whether there were expressions of individual opinion was another matter; but no vote was taken, no proposition was suggested, looking to any distant and definitive action upon the part of any one of the annual conferences, North or South, against the constitutional power of the Conference of 1844 to adopt the Plan of Division of 1844.

That is not all. These gentlemen, now members of the Methodist Episcopal Church, North, have fallen very far short of their duty, if the theory upon which they are now acting be a sound one. They are responsible to the Church, and, what

is still more, to their God, for a very lame and imperfect performance of their duties. They say that the division authorized and organized under the Plan of 1844 was unconstitutional. In the Conference of 1848, at Pittsburgh, they said it was brought about by the act of the Southern members without cause. They say, through their counsel now, in the presence of your Honours, that these Southern members are all secessionists. Gentlemen, do you believe it? Gentlemen defendants, do you conscientiously believe it? Of course, they must say "Yes." Then march up to the duty which is upon you. It was a part of that Plan, as the Court will see on pp. 130 and 131, not dependant in any way on the assent of any annual conferences, except the assent of the annual conferences in the slaveholding States to the first resolution,

"That all the property of the Methodist Episcopal Church, in meeting-houses, parsonages, colleges, schools, conference funds, cemeteries, and of every kind within the limits of the Southern organization, shall be forever free from any claim set up on the part of the Methodist Episcopal Church, so far as this resolution can be of force in the premises."

Now if the Plan is unconstitutional, go and take this property. Do not tell me that there is to be found in the prejudices of the Southern tribunals an obstacle to success. The tribunals of the United States are open; they are raised above the level of any possible supposed local prejudices—standing upon a more elevated platform, looking over the whole country, and bound to free themselves from the existence of anything like sectional or other prejudice or partiality. Go into the courts of the United States. The property here referred to is worth millions. Get back the meeting-houses, the parsonages, the colleges, the schools, the conference funds, the cemeteries, within the limits of the Southern Church. The men who hold them are no part of the Methodist Episcopal Church. They are mere wrong doers. Do not content yourselves with keeping merely the money which happens to be located at the North; do not satisfy yourselves with refusing to dole out the miserable pittance which has heretofore supported the wants of the aged, and infirm, and supernumerary preachers, and their families, in the South; do not keep that for your own preachers, your own wives, and your own children; but if you are right, get back this vast amount of property, devote it to the cause of your Church to which these Southern separatists have no title to belong. These Southern schismatics, with, as you pretend to believe, the branding degradation of slavery upon their brow, have no right to it;—put it in the hands of pure Christian men—men who are sufficiently pure and Christian to carry God's tidings of salvation everywhere, and administer the sacraments of his love to all; do not leave it in the hands of these lost Southern men. But they have not done this. Why not? Can any reason be given, except a conviction that the property belongs to the South? Can any reason be given consistent with their duty, except a conviction that it was made the property of the South by force of this very separate organization of the Southern Church, under the authority of the Plan of Separation of 1844? There have, it is true, been some adventurous spirits who have screwed themselves up to the sticking point of maintaining that the Plan being unconstitutional and void, fell in all its particulars to the ground, and that the Church and its property, everywhere, stands as it stood before the Plan of 1844 was adopted.

Your Honours have been referred to one case, where a gentleman named Armstrong, claiming to have been a large contributor to a meeting-house in Maysville, Kentucky, with some followers, conscientious, I have no doubt—God forbid that I should doubt that they were influenced by proper motives—contested the right of the

Southern Church to that meeting-house, upon the very ground of the absolute nullity of the Plan of Separation, and the absolute nullity consequently of the title to the meeting-house which was dependant upon that plan.

The case was first taken before a single judge vested with chancery jurisdiction, and he came to the conclusion, that, under the circumstances of the particular case, and by force of the provisions of a Kentucky statute of general operation, applying, as he considered, to the case, the equitable mode of disposing of the property would be to give the use of the house one week, or one Sunday, to one branch, and the next week, or the next Sunday, to the other branch. The case was carried up to the Court of Appeals of Kentucky. I commend your Honours to that decision, as delivered by Mr. Chief Justice Marshall, in which throughout he deems it to be too clear for doubt, (speaking not only for himself, but for the Court,) that the Conference of 1844 had the constitutional right to adopt the Plan of division of that year, and that by force of that division the entire title to this property was vested in the Southerly organized Church. They, the North, tried the question once, through Mr. Armstrong, and they tried it in vain. Now, all is acquiesced in. The South stands upon the title to all the property of which it is now in the actual enjoyment, by virtue of the constitutionality of the division authorized by the Plan of 1844—in virtue of that constitutional title, and none other. I beg your Honours to remember that. They stand, too, upon the authority of the Conference, which established a like separate organization for what was before an integral portion of the Church, in the Canada case. They stand upon the recorded opinions of almost every member of the Conference of 1844, that that Conference had the authority to sanction the division. They stand upon the unanimous opinion of the bishops, the executive heads of the Church, that the Conference had the authority to adopt it. They stand upon the opinions of the entire Conference of 1844, as far as we can find their opinions from their votes, that the Conference had the constitutional authority to adopt it. They are, therefore, covered all over with the sanctions which title can derive from precedent, from the judicial, legislative, and executive authority of this Church, and from the express adjudication of a court of last resort, not surpassed by any court in the Union, in all the qualities which give a tribunal claims to respect. They stand, above all and higher than all, upon the character, the holy character of that Power above from which the entire authority of the Church is derived; upon the charter which he gives to his Church to go throughout the world, and, accommodating itself to the wants, and the peculiarities, and the times in which his ministers may find themselves, to carry his word and to proclaim the glad tidings of salvation to all. Lest I might forget the very words in which this mighty power is communicated—which, I need not tell this Court, should never be done with any language which flows from so sacred and so revered a source—let me read to your Honours the constitution of the Church, the higher, holier constitution of the Church, as given by God himself to the apostles, the first travelling preachers in his service. He tells them, Matthew xxviii, 18–20 :—

“ All power is given unto me in heaven and in earth. Go ye, therefore, and teach *all nations*, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost; teaching them to observe all things whatsoever I have commanded you; and lo, I am with you always, even unto the end of the world.”

“ All nations.” There are no territorial restrictions upon your authority, gentlemen travelling preachers of this Church. Your constituent is the Maker of the universe, under whom and for whom you act. He knows no local distinctions which we poor frail beings know; and knowing, because we are frail often do the greatest injustice

in consequence of the knowledge. He wishes all brought to salvation : the master to be enlightened, the slave to be enlightened ; the master to be saved, the slave to be saved. You libel the memory of the Author of your Church, you trample upon the constitution of that Church as derived from God, whom you are bound to adore, if you bring into the administration of the duties which he imposes upon you, any test which deprives you of the authority to preach to the master and to the slave. I have done with the first point.

The duty which is before me in the consideration of the next three points, is comparatively an unimportant one. But before I proceed to the consideration of the second point of my argument, although I feel that it is not necessary to the decision of this case, it is due to those that I represent, that I should say a few words upon what they believe to have been the necessity of asking for a separate organization of this Church. I shall be comparatively short, the whole subject having been so clearly and perspicuously presented by my colleague.

The agitation of slavery in the quarterly conferences, in the annual conferences, in the General Conference, the judgment against preacher Harding, the judgment in the case of Bishop Andrew, both of them in the Conference of 1844, brought about, in the opinion of the delegates from the Southern conferences in the first place, and afterwards in the opinion of the Southern conferences, a conviction that the Church itself, in order to be saved, must exist under separate and distinct organizations at the South and at the North. My learned brother who spoke first on the other side, ingeniously endeavoured to maintain that, of the three reasons which were assigned, in what is termed the Declaration of the members from the South in this Conference, for desiring a separate Church organization, two of them were afterwards abandoned, and the other, to make the most of it, was a mere erroneous judgment of the Conference upon a question over which they had clear jurisdiction. Let me, in this connexion, refer to what is the fact in relation to this matter. In 1844, not only was a division authorized by the General Conference, if the power existed, as in this branch of the argument I assume, but it was demanded for the safety of the Church. In the Canada case, whatever else may be said of it, your Honours will find, on p. 44 of Proofs No. 1, that it is asserted that a division was to be made, when division was necessary to save the Church ; that is, to save the Church there—there in the particular locality—not to save it elsewhere where the exigency does not exist. When a state of things exists which endangers the usefulness of the Church, the doctrine of the Church is, divide, in order to save. Now, in the first place, the Declaration of the Southern delegates, in 1844, on p. 97, states the necessity of a division to save the Church. In the second place, the universal opinion of the Southern delegates was, that a division was necessary to save the Church. 3d The conduct of the Conference in Harding's and in Andrew's cases proved the necessity of a division in order to save the Church. 4th The doctrines avowed by the Northern members of the Church in the Conference of 1841, in the Answer to the Protest of Southern members against the judgment in the case of Andrew, proved, beyond all doubt, the necessity of a division to save the Church—it being always understood that I mean to save the Church in the South. 5th The opinion of each one of the annual conferences of the South was, that a division was required in order to save the Church. 6th The certain consequences, not relying on opinions as the only evidence, of the tendency of the acts of the members of the General Conference from the North, must have been, in the judgment of all sane men, the production of a state of things in the South, that would render a division of the Church absolutely imperative, in order to save the Church in the South. This was the opinion of the bishops of this Church as to the consequence of this slavery agitation, to be found in their address, upon

p. 58, and in their answer to the British Conference, pp. 64-66 ; and the opinion of the individual bishops, given in their collective capacity, in advance of the judgment on the case of Andrew, in their address to the Conference, by whom, almost immediately afterwards, that judgment was pronounced, as well as in the debate before the judgment, which your Honours will find on pages 88-91.

Finally : the opinion of the General Conference of 1844, as set forth in their preamble to the Plan of Separation, established the existence of the necessity to divide this Church, in order to save it in the South.

I have not time, nor would it be right, to trespass upon the kindness of the Court, already so indulgently extended to me, to read the particular evidence on either of these points ; but the Court will pardon me, for reading a sentence or two from the address of the bishops, pp. 58-60—cool, unimpassioned men, not acting under the influence of the local agitation to which this Church was subject, but whose very functions of general superintendency, freed them from the prejudices which sometimes arise from mere local opinions. The address to which I refer is the address to the General Conference of 1840. They say in that address :—

“ At the last session of the General Conference the subject of slavery and its abolition was extensively discussed, and vigorous exertions made to effect new legislation upon it. But after a careful examination of the whole ground, *aided by the light of past experience*, it was the *solemn conviction* of the Conference that the interests of religion would not be advanced by any additional enactments in regard to it.”

They had gone far enough ; a step further might be ruinous. They then say that they advised the subject to be dropped everywhere. On page 59, after stating that the opinion of the Conference was generally acquiesced in, they go on :—

“ But we regret that we are compelled to say, that in some of the northern and eastern conferences, in contravention of your Christian and pastoral counsel, and of your best efforts to carry it into effect, the subject has been agitated in such forms, and in such a spirit, as to disturb the peace of the Church. This unhappy agitation has not been confined to the annual conferences, but has been introduced into quarterly conferences, and made the absorbing business of self-created bodies in the bosom of our beloved Zion. The professed object of all these operations ”—

Of course it was the professed object, and I hope the sincere object. Fanatical error is always sincere. When it ceases to be sincere it becomes corruption, and no man can imagine that in the Church.

“ The professed object of all these operations is to free the Methodist Episcopal Church from the ‘ great moral evil of slavery,’ and to secure to the enslaved the rights and privileges of free citizens of these United States. How far the measures adopted, and the manner of applying those measures, are calculated to accomplish such an issue, even if it could be effected by any action of ecclesiastical bodies, your united wisdom will enable you to judge.”

If these gentlemen could only wake up to the condition of things which they have brought about in the Southern States, they would find that, for every rivet they have loosened, they have added tens and hundreds and thousands of rivets to this very condition of slavery. One of the members who figured in the Conference of 1840 and 1844, and was one of the leaders in the proceedings against preacher Harding, and also took a conspicuous part against Bishop Andrew, has for the last six or seven months been serving as chaplain to a convention in Maryland, whose very first step—a step which never would have been taken but for the agitation in the Church and out of the Church on this question of slavery—and the only measure I think upon which they were unanimous, was to provide as part of the organic constitutional law of Maryland, that manumission should not be brought about by any legislative

provision. Maryland, in the advance of the philanthropic movement, which I would have it understood did not begin at the North, but at the South, for putting an end to human bondage as far back as 1790, opened wide the doors to emancipation. But by the agitation in this Church and out of it, in other Churches, in the Presbyterian and Baptist Churches, a condition of things was brought about as far back as 1836, which caused the legislature of Maryland, then invested with the right of providing, with the assent of the next subsequent legislature, a change of the constitution, to change the constitution of the State, so as to take from the legislature the authority to authorize general manumission by an act of the legislature, unless such act was unanimously passed at one session, and unanimously sanctioned at the succeeding session—practically an impossible condition. Now this very Mr. Griffith, who in the Conference of 1844 sneered at the Maryland law which secured to a woman her slave property belonging to her at the time of marriage, on the ground that it was contrary to the law of God, which, according to him, gives everything belonging to the woman to her husband, as by Divine right, is found acting as chaplain in a convention of slaveholders who have been driven to the conviction of the necessity, brought about by the very excitement in which he and others have been engaged, to make it a part of the constitutional law of Maryland that slavery shall always exist within her limits. I speak under the conviction of a sincerity as great as I ever felt, when I say that, but for this very agitation and the making it a political matter, Maryland ere this would not have had a slave footprint within her limits. You have doomed us, those of us who have no love for that particular condition of things, and I confess myself to be one of them—but not upon the ground that there are any injunctions in the Gospel which prohibit it, for there are none. The Author of our religion came not into the world to raise the arm of one man against his fellow-man, to bring about servile war, to carry bloodshed and desolation into the homes and hearths of men; He came to save through the instrumentality of doctrines sure, when properly understood and inculcated, to save. He came not to destroy masters.

What say the bishops of this Church in that Christian but cutting rebuke to their brethren across the waters! It is due to the bishops of this Church to say that they have not only never taken part in this agitation, but they have done all they could do as Christian men to arrest it. They say, page 66 :—

“Under the administration of the venerated Dr. Coke, this plain distinction was once overlooked, and it was attempted to urge emancipation in *all* the States; but this attempt proved almost ruinous, and was soon abandoned by the doctor himself. While, therefore, the Church has encouraged emancipation in those States where the laws permit it and allow the freed-man to enjoy freedom, we have refrained, for conscience' sake, from all intermeddling with the subject in those other States where the laws make it criminal. And such a course we think agreeable to the Scriptures, and indicated by St. Paul's inspired instruction to servants, in his First Epistle to the Corinthians, chap. vii, ver. 20, 21. For if servants were not to care for their servitude when they *might not* be free, though if they might be free they should use it *rather*, so neither should masters be condemned for not setting them free when they *might not* do so, though *if* they *might* they should do so *rather*.”

But in these modern days, as compared with some who are to be found amongst us, in a pure and elevated morality St. Paul was a Hottentot, and in a far-seeing and far-searching wisdom Christ himself an imbecile! They seek to improve upon the morality of St. Paul. They attempt and claim authority to exercise the function of supplying the omissions of the Deity. God, speaking through Paul, tells masters to take care of their servants, and servants to obey their masters. These modern apostles, tracing their authority to some law higher even than the law of God, proclaim substantially, “Slaves, exterminate your masters; they are your oppressors, and you

stand entitled to freedom upon some high, more elevated, purer law than is to be found in the Gospel of your God." I am glad to know that the extent to which this fanaticism has gone in this Church is, in the particulars to which I have alluded, comparatively limited but these gentlemen stand still within narrow and perilous limits on that question. I pray them, as servants of God, to remember that the progress of fanaticism is never backward, unless it be driven backward by the dread of force and bloodshed. The stake has often witnessed the dying sincerity of the fanatic as well as of the martyr.

Pardon me for a moment in reading to you, to show the extent to which this feeling had gone, from the address of Bishop Andrew himself to this very Conference, who were about to pass judgment on his moral and religious life, and to proclaim him to the world as unfitted to minister at the altar of God in this the Northern section of the land, however competent he might be at the South. This address, which is a long speech, and challenges commendation, your Honours will find on page 148 of the Debates of the Conference of 1844. He states how he became a slaveholder; and he then says:—

"It has been said I did this thing voluntarily, and with my eyes open. I did so deliberately and in the fear of God, and God has blessed our union."

What do you suppose he is speaking of? Why, he married a Southern lady, and it was said in the Conference that he ought not to have married any Southern woman who had slaves, that it was a sin against God to marry a female if she was the owner of slaves. He goes on:—

"I might have avoided this difficulty by a trick—by making over those slaves to my wife before marriage; or, by doing as a friend, who has taken ground for the resolution before you, suggested."

What do you suppose was the remedy recommended by this conscientious friend, who would not permit Bishop Andrew to remain in the Church because he was the owner of slaves by marriage? It was:—

"‘Why,’ said he, ‘did you not let your wife make over these negroes to her children, securing to herself an annuity from them?’"

That would have been honest—that would have emancipated the negroes. That is it not all. He says he could not get rid of them:—

"They love their mistress, and could not be induced, under any circumstances, to leave her. Sir, an aged and respectable minister said to me several years ago, when I stated just such a case to him, and asked him what he would do,—‘I would set them free,’ said he, ‘I’d wash my hands of them, and *if they went to the devil, I’d be clear of them.*’"

There is the philanthropy of fanaticism. To free them; if we cannot do it in any other way, send them to the devil—that is our mission. I am not to be understood as intimating for a moment that the Church as a Church, or that the members generally entertain such opinions. I refer to this as an instance, to show the alarming, unchristian results to which fanaticism leads. It would be but another, and comparatively a humane step to have said: "You masters of the South, get clear of your slaves by cutting their throats;" or, "You slaves of the South, get clear of your masters and become freemen by cutting their throats." In either case the dead might go to heaven, which would be infinitely better than sending either master or slave to the devil, as one means to get rid of slavery.

I have not time to turn your Honours' attention to the grounds taken in relation to

the Maryland law as to the power of Mr. Harding to emancipate his negroes. He could not emancipate them, for the very important reason that they did not belong to him, but belonged to his wife. I will, however, refer to what was said by Mr. Collins and Mr. Griffith in the Conference of 1844 on the Harding case. One of them, Mr. Collins, governed I trust by conscientious considerations of duty, takes occasion to declare, page 42 of the Debates :—

“ But he would say boldly, that if the law had been ten-fold what it is, if it had actually, outright and downright, without any possibility of avoiding it, taken these slaves from Harding’s control, the conference would still have acted just as they did ; because *they did not intend to change their ground, and could not pretend to alter their views with every shifting of the legislature.*”

Your Discipline says : observe the laws of the country in which you are ; wherever you may be, enter not into the political turmoils of the day ; place yourselves not in opposition to the laws of the place in which, as the servant of God, you are ministering, for it is one of the duties of the ministry to obey the civil laws. “ I will do no such thing,” says Mr. Travelling Preacher Collins ; “ I will not accommodate myself to the shifting caprices of the legislature of the State in which I live.” Hear next what brother Griffith says, page 41 of the Debates :—

“ He could disentangle himself in an hour if he liked, *the laws of Maryland notwithstanding.* In point of fact the law against manumission was inoperative. It would be indeed strange if a freeman had not the right to make that disposal of his property which he might choose to make. Maryland never had said that a slave might be taken up and sold—she never had declared that slaves were property, and then in the same breath, that men should not do what they thought fit with their own property, and that she assumed the right to do that which she forbade the owner doing. No, sir ; they know that *a man has a right to set his slaves free, they know the illegality and imperfection of any act to the contrary,* and yet they try to control it, and ward off the consequences by this kind of—he hardly knew how to designate such kind of legislation.”

That is, if sincere, were fanaticism ; that would be treason, if carried out by overt act ; that, as sure as there is a God above us, would, if so carried out in opposition to those laws, have landed Messrs. Collins and Griffith, Christian ministers as they are, within the limits of the Maryland penitentiary. God forbid they should ever be there,—because in many respects they are good men, and they have declared these sentiments, it is to be in charity hoped, for conscience’ sake,—but there they would have gone, and in vain would they have invoked the authority of their Gospel mission to save them, for they would find in that authority an injunction running all through it to preachers to observe the local municipal laws.

A word more, and I leave the question of necessity for the division. We have been told that it might have been avoided, that there was not the slightest occasion in the world for the division of this Church. To be sure the agitation had been kept up, and there was no promise to stop it ; to be sure a preacher had been unfrocked because he came to be the owner of slaves, and there was no promise that the same thing would not be repeated in other cases ; to be sure a bishop had been degraded, and there was not only no promise not thereafter to degrade in such cases, but there was an express avowal of an authority, and almost of a duty to impeach and punish ; still, says my brother Choate, there was no necessity for a division. Why, says he, the South might have submitted. Submission is the remedy. “ Go home, you Southern preachers, carry with you the evidences of your individual degradation. Go into your meeting-houses, and say to your brethren that, in the opinion of your Church, every one is unworthy in the sight of man and of God who happens to be a

slaveholder. Tell them that the blessing of God has illuminated the minds of the Northern members of the Church, and made them at last find out the truth that such is your miserable degradation. We invoke you to submit. Admit self-degradation, admit the existence in your own persons of a moral leprosy, admit that you are steeped all over with sin, and submit." The bishops said that Dr. Coke in 1784 attempted to announce and execute the same doctrine, and the single year in which he attempted to carry it into effect almost ruined the Church. The bishops had announced that it was the opinion of this very Conference in 1836 and 1840 that the continued agitation of the subject of slavery, and the considering it as a matter of moral or religious sin, was bringing this Church into a condition of the most absolute ruin at the South. The bishops had announced in their answer to the address of the British Conference, that the whole Church was necessarily to observe the laws of the States in which slavery existed. The bishops had announced that so far from there being anything in the Gospel denouncing slavery, as of itself, and under all circumstances a sin, it was a relation to be prayed for, to be watched over, to have invoked on it the blessings of God himself.

There, then, in submission was one mode in which the necessity might have been avoided, but there was not the intimation of an opinion that it was probable that submission would, then or at any time, be adopted. There is a method left still by which a reunion may be brought about, but it is not by submission on the part of the South. If every minister in the Connexion was willing to submit, as submission would be self-degradation, he could not bring about a reunion of the Church, South, with their brethren of the Church, North. There is, however, one mode in which it may be brought about. I have no doubt God will bless the effort, looking to his past care of this Church. Abandon, preachers of the North, the ground upon which you acted in the case of Harding and of Andrew; go back to the doctrine of the Church in 1836; stand upon the platform declared to be the proper and religious platform upon which alone you had a right to stand in 1840; cease to assail your brethren of the South; and you and they, to the delight of the Christian world, will again be one: and as long as you continue to exercise your power in that spirit of fraternal and religious love, you will be indivisible.

In the Reply to the Protest, announcing the absolute necessity of a division, pag 114, the Northern gentlemen say they had no doubt that Bishop Andrew was a "very benevolent and *Christian* master." If their doctrines be right, I cannot imagine how a master can be a Christian at all. They say God proclaims freedom as the right of all, and you war against the law of God in holding a man in a state of bondage. Still, from courtesy, I suppose, they call Bishop Andrew a Christian master. They then go on to say:—

"It was the almost unanimous opinion of the delegates from the non-slaveholding conferences that Bishop Andrew could not continue to exercise his episcopal functions under existing circumstances, without producing results extremely disastrous to the Church in the North; and from this opinion the brethren of the South did not dissent."

Then something was to be done. What had Bishop Andrew done? Why, in the State of Georgia, where manumission is not tolerated, he agreed to take a negro girl, and if possible manumit her, and send her to Liberia. He could not do it; but, as far as the laws would permit, he suffered the poor girl to act as if she were free. Then he married a woman who had slaves. Well, but they acted leniently with Bishop Andrew, because he was a "Christian master!" They did not expel him, to be sure; but what do they say they had a right to do? What is the doctrine upon

which they then stood, and stand now? Let them speak for themselves. On page 115, Proofs No. 1, they say:—

“A diversity of sentiment existed as to the proper mode of treating the case.

“Some at least believed—perhaps few doubted—that sufficient ground existed for impeachment on a charge of ‘improper conduct,’ under the express provisions of the Discipline. The opinion was certainly entertained in several quarters, that it was ‘improper’ for the shepherd or bishop of eleven hundred thousand souls, either deliberately or heedlessly, to place himself in direct and irreconcilable conflict with the known and cherished moral sentiments of a *large majority of his vast flock*.”

The minority might take care of themselves—these gentlemen are looking to the North alone. Are there no souls to be saved on the other side of Mason’s and Dixon’s line? Are you not willing to content yourselves with having bishops who are not the holders of slaves, who may by an arrangement, as between themselves and the other bishops, pursue the functions of bishops this side of Mason’s and Dixon’s line, in accordance with all the prejudices of the members of the Church this side of the line? Are you not content to leave, under that arrangement, to the bishops themselves to make such a provision, that the religious wants of the South may be supplied through the ministry of bishops who are not obnoxious to, or in irreconcilable conflict with, any of the moral sentiments of the South? See what the fathers of the Church told them. They had witnessed the angry contention, and wept over and prayed through the debates which characterized it. They asked that the subject might be postponed, to give them an opportunity of recommending some plan by which the Church might be saved. O! how much is it to be deplored that these gentlemen did not follow the advice of these their fathers! As I believe in my own existence, do I believe that, if their advice had been followed, the exigency in which the Church now finds herself, a state of comparatively hostile and angry feeling in which the members are arrayed against each other, would have been avoided. I will read a few sentences from the address of these bishops to the General Conference of 1844, during the pendency of Andrew’s case, but in advance of the judgment pronounced on it. On page 88 they say:—

“As they have pored over this subject with anxious thought, by day and by night, they have been more and more impressed with the difficulties connected therewith, and the disastrous results which, in their apprehension, are the almost inevitable consequences of present action on the question pending before you. To the undersigned it is fully apparent that a decision thereon, whether affirmatively or negatively, will most extensively disturb the peace and harmony of that widely-extended brotherhood which has so effectively operated for good, in the United States of America and elsewhere, during the last sixty years.”

Again, on page 89, they say:—

“At this painful crisis, they have unanimously concurred in the propriety of recommending the postponement of further action in the case of Bishop Andrew until the ensuing General Conference.”

That would be until 1848.

“It does not enter into the design of the undersigned to argue the propriety of their recommendation, otherwise strong and valid reasons might be adduced in its support. They cannot but think that if the embarrassment of Bishop Andrew should not cease before that time, the next General Conference, representing the pastors, ministers, and people of the several annual conferences, after all the facts in the case shall have passed in review before them, will be better qualified than the present General Conference can be to adjudicate the case wisely and discreetly. Until the cessa-

tion of the embarrassment, or the expiration of the interval between the present and the ensuing General Conference, the undersigned believe that such a division of the work of the general superintendency might be made, without any infraction of a constitutional principle, as would fully employ Bishop Andrew in those sections of the Church in which his presence and services would be welcome and cordial."

No, says the Conference, the sacrifice must be made now; now must the sentence be pronounced; he has sinned past salvation, and our sense of duty will not permit us to wait till 1848; now we will pronounce our judgment; now must Bishop Andrew be deposed; and now he is deposed.

In relation to the character of the sentence passed on Bishop Andrew by the Conference of 1844, I will refer to what these Northern gentlemen say in the Conference of 1848, in their address upon the state of the Church. Our learned friends on the other side contend that this was merely an advisory measure; that Bishop Andrew was still a bishop, the mitre was still upon his brow, he might exercise still the functions of a bishop, that there was nothing in what the Conference of 1844 had done to repudiate his authority as a bishop, and his case, therefore, constituted no reason whatever for the step taken by the Church, South, in 1844. The Conference of 1848, on page 141, says:—

"In the mean time Bishop Soule wrote to Bishop Andrew, requesting him to resume episcopal functions, and, in the character and office of a bishop, to attend the sessions of annual conferences, which he did, *though said act was clearly in contravention of the expressed will of the General Conference*, that he desist from the exercise of the episcopal office so long as the impediment of slaveholding 'remained.' By which acts both Bishop Soule and Bishop Andrew *openly repudiated the authority of the General Conference of the Methodist Episcopal Church.*"

Why, how do the counsel represent this matter? Is he still a bishop? Yes. Did they not in charity leave him a bishop? Yes. Did not they, although avowing their authority and almost their duty to disrobe him and depose and punish him as a bishop under the provision of the Discipline, which made him amenable to the Conference for improper conduct, kindly, humanely, and charitably refrain, and only advise him to desist from his functions? Yes. But, inasmuch as he has thought proper to exercise the functions which we left and intended to leave to him, he, they say, openly repudiated their authority. Why, it is absurd. He did repudiate their authority in one sense, he went counter to the opinion of the General Conference, and if the General Conference had authority to pronounce that opinion, and pronounced it authoritatively, then superintending the annual conferences, after the pronouncement of the opinion and during the existence of the impediment on account of which it was pronounced, was an open and absolute defiance of the authority of the Conference. But the learned counsel give a different character to the judgment from these gentlemen of the Conference of 1848.

A word now as to the conduct of the Conference in both these cases—of Harding and Andrew. Under the laws of the Church as they were at that time, there never was, to my mind, a more palpable violation of them than was committed in the judgments in these cases. We have been told that the general rule of the Church prohibited any officer of the Church from holding slaves when elected, or during the existence of his official life; and that the general rule thereof embraced the case of a bishop as well as all other officers; and that it is incumbent upon us who vindicate the bishop to bring the case of the bishop within the limits of some exception to the general rule; and that we have failed to do this because the exception embraced only "travelling preachers," who then, in the nomenclature of this Church, are such preachers as contradistinguished from bishops.

I was a little surprised, though not much struck, with the ingenuity of the argument. The counsel using it ought to have known that the Court was to look to the evidence in this case ; but my learned brother contented himself with referring to the rule upon the subject of slavery, adopted in 1808 or 1812, but did not refer to the law upon the subject adopted in 1816, nor to the declaratory law, to be found in a resolution adopted by the Conference of 1840 upon what was called the Westmoreland petition, to which, however, I shall now particularly advert. My learned brother talked about the resolution of the Church in relation to the allowances to ministers, on page 29, of Proofs No. 1 ; but if he had turned to page 24, to which I ask your Honours' attention, he would have found an answer, and a conclusive answer, to his entire argument on this point. That argument was, that a bishop falling within the operation of the general rule which prohibited the holding of slaves by all officers in the Church, was not excepted from the operation of that rule by the particular exception in relation to travelling preachers. I will not stop to argue whether in this he is right or wrong. The particular exception, page 31, is,—

“When any travelling preacher becomes an owner of a slave or slaves, by any means, he shall forfeit his ministerial character in our Church, unless he execute, if it be practicable, a legal emancipation of such slaves, conformably to the laws of the State in which he lives.”

The learned counsel says “travelling preacher” does not include “bishop,” and, as the general rule prohibits all, the bishop remained prohibited by force of it. But in 1816, as the Court will see by turning to page 24, the Conference then adopted a rule, which forms the first of the rules on the subject in the Discipline of 1840. To that the counsel has not referred. It is,—

“We declare that we are as much as ever convinced of the great evil of slavery ; therefore no slaveholder shall be eligible to *any official station in our Church hereafter*, where the laws of the State in which he lives will admit of emancipation and permit the liberated slave to enjoy freedom.”

I presume “any official station” covers the case of a bishop. It is not necessary to argue that. What does this show ! The Church makes a general rule in 1784 or 1785 declaring war against slavery as a moral evil ; they cannot execute it, the very life of the Church is about to be sacrificed by the attempt to execute it ; it then becomes the settled policy of the Church in 1808 or 1812 to recognise the laws of the State in which slavery exists and where emancipation is prohibited ; and it becomes consequently the duty of the Church to provide for the case of the travelling preacher in order to carry on the Church in those States in which slavery exists where emancipation is prohibited. They first except the case of the travelling preacher ; but in 1816, alive to a more important necessity, they find that the usefulness of the Church depends upon the recognition, *as regards every official station in the Church*, of the laws of the States in which slavery exists and in which emancipation is prohibited, and they authorize any and every man to be elected to *any and every official station in the Church*, notwithstanding he is the holder of slaves, *if he lives in a State where slavery exists and where emancipation is prohibited*. Is not this clear ? The words admit of but one interpretation. Now see what this Conference of 1840 itself said, by adopting the resolution on pages 74 and 75. He who was then of the Church, and one of its brightest luminaries, as your Honours sufficiently know from the papers in evidence, of which he was the author, now elsewhere enjoying the reward of a well-spent and a religious life—Mr. Bascom—was chairman of a committee to whom the petition of some lay members of the Westmoreland circuit, in the Baltimore Conference, was referred. Time after time that conference refused to ordain preachers upon no other

ground, as it was alleged in the petition, except that the persons recommended were the owners of slaves. Mr. Bascom, whose opinions are perfectly well known on the subject, writes a report which concludes with a resolution I am about to read, in which he says they can do nothing to grant relief in the particular cases, because, on turning to the proceedings of the conference which had refused to elect these several ministers, no such reason was assigned, and it was not, therefore, to be assumed that that was the ground; but with a view to the ascertainment of what the law was in a case of that description, and in order to have again declared what the law was in the case made by the memorial, the committee *unanimously* recommended the adoption of a declaratory resolution, and these very gentlemen who constituted the Conference of 1840, and many of whom were in the Conference of 1844, adopted it. I am now, remember, endeavouring to show that the bishop's case came within the operation of the law of this Church, which said that the holding of slaves, where slavery by law existed, and where by law manumission was prohibited, should be no objection to a man's eligibility in the first instance, or to his continuing thereafter to discharge the functions of any station in the Church. That resolution of 1840 was in these words:—

“*Resolved*, by the delegates of the several annual conferences in General Conference assembled, That under the provisional exception of the general rule of the Church on the subject of slavery, the simple holding of slaves, or mere ownership of slave property, in States or territories where the laws do not admit of emancipation and permit the liberated slave to enjoy freedom, *constitutes no legal barrier to the election or ordination of ministers to the various grades of office known in the ministry of the Methodist Episcopal Church*, and cannot therefore be considered as operating any forfeiture of right in view of such election and ordination.”

Is not the office of bishop a grade of ministry in the Methodist Episcopal Church? The law of this Church then, solemnly reiterated as its law by a vote of the Conference of 1840, was, that where slavery did not exist no slaveholder could be elected to any office; but that where slavery did exist, and emancipation was prohibited within the State in which the master resided, the being a slaveholder was to be no test of eligibility in the first instance, and no ground of forfeiture after election. Now, the Conference of 1844, with that law before them, depose, as we say, or censure, according to their own admission, Bishop Andrew, upon the ground of some general law in the Discipline which speaks of improper conduct, which, by a species of construction I cannot comprehend, they construe to mean the doing that which the very law of the Church authorizes to be done. “Improper conduct” is the word in the portion of the Discipline under which they act and under which they punish him. Improper conduct in the doing of what? Improper conduct in holding slaves when the law says he might hold them? Is he to forfeit his right as bishop for being the owner of slaves when you have said over and over again that it constitutes no objection to eligibility, and no ground of forfeiture? Why, that is an absolute, undefined, illimitable tyranny. Keeping within the law is no protection; observing the law is no defence. “We, in the possession of that mighty transcendental power to be found under the general authority to examine into the conduct of the ministry, can convict you of any and every act which, according to our judgment, is improper conduct, although according to our laws it is proper conduct.” I say, therefore, with great respect, that in the whole history of jurisprudence, in its actual administration throughout the civilized world, where duty is inculcated by law and rights are protected by law, this is as clear and palpable an infraction of law as is to be found disgracing any of the pages of the books which illustrate the utter regardlessness of law in the early and dark and tyrannous ages of English jurisprudence. The English

martyrs suffered their sentences, and without a groan or the movement of a muscle carried with them and supported through the flames the spirit by which they were animated ; and these revolting sentences were perhaps, at times, pronounced by tribunals who professed, and perhaps thought, they were thereby carrying out some law of God, as these gentlemen preachers in the case of Bishop Andrew. But under such a government as that, who is safe ? Bring a provision like that into the criminal code of the United States, and what would be the consequence ? Your Honours have your duties defined by statute ; you may, under the law and according to the express terms of the law, do this, that, or the other, without objection, without forfeiture ; you may, under the Constitution of the United States, be slaveholders without forfeiting any political or private right that you may have. But bring upon the statute book of the United States a sweeping power to remove from the bench the lights that adorn it, and under a general authority to inquire into the conduct of public functionaries, to remove them, if, in the opinion of the trying body, that conduct is improper ; would not the blood of every citizen boil with indignation at an attempt to bring either of your Honours within the operation of such a power, for the holding of slaves which by law you are authorized to hold ? And yet these gentlemen preachers have done precisely that very thing. Bishop Andrew was a slaveholder, under the law and by virtue of the law ; his rights as a bishop were protected by the very law which authorized him to hold slaves ; and yet under this general sweeping authority of inquiring into the conduct of the bishops, they assumed the power of being wiser than the law, and of saying that, although the law authorized it, the thing authorized was improper, and to be punished. They go to a higher source, to that "higher law" which we have heard in modern times is an authority to disobey or not carry out a constitutional law of the United States. It cannot be so.

I was not advised until this moment that these gentlemen waked up to the consequences of having adopted the resolution on the Westmoreland petition. We find them in their own Conference of 1848, as will be seen by reference to the journals of that Conference, p. 125, rescinding that resolution :—

"Whereas the following resolution is found appended to the report on the Westmoreland petition, and was adopted by the General Conference of 1840, to wit :—"

The resolution is then recited :—

"And whereas said resolution is liable to misconstruction, and has been misconstrued greatly to the prejudice of our beloved Methodism. Therefore,

"*Resolved, 1st.* That said resolution be, and is hereby, *rescinded*.

"*Resolved, 2d.* That in rescinding said resolution, we contemplate no interference with that section of the Discipline on slavery ; but wish simply to leave it without note or comment."

They do not even then, in 1848, pretend to interfere with the law of 1816. The Conference in passing that law was then speaking to itself. My friend, Mr. Choate, told the Court, that in all the rules on slavery, from 1781 to 1840, it was the General Conference speaking to the annual conferences ; but you will see, that the resolution of 1816 is a resolution of the General Conference announcing for itself, as a rule for its own government, the law of the Church upon the question of slavery, and that is precisely what the Westmoreland resolution says ; but these gentlemen, without giving any reason, except that it might be misunderstood, repeal the resolution, and leave the law of 1816 to stand as when it was passed. They might very well have repealed that resolution, for it was a direct censure on themselves in their votes upon Harding's case, and Andrew's case ; but it was no further a censure than the law of 1816. It was a censure, because under it the act was censurable.

Now I have a word to say upon my second point, the construction of the Plan of Separation, for it is really too plain for argument, although the case is made, by the answer to our bill, to turn very materially upon it. In the answer,—in the argument it was not much pressed by our friends on the other side, for they did not seem to think they could maintain such an extravagant proposition,—as well as in the review of the state of the Church made by the Conference of 1848, at Pittsburgh, the broad ground is taken, that the Plan of Separation under which the Southern Church was established, was conditional, and that the condition was the agreement of the conferences, by a vote of three-fourths voting, to change the sixth restrictive rule. There is not a word of truth in it. It is so plain that I am saved from the necessity of detaining your Honours with discussion on the subject. The first resolution of the Plan of Separation is,—

“That, should the annual conferences in the slaveholding States find it necessary to unite in a distinct ecclesiastical Connexion,”

then, a division is to be made. The only thing upon which a division is there made to turn is the action of the conferences in the slaveholding States. The second resolution depends exclusively upon the same thing—the action of the conferences in the slaveholding States. It says, contemplating the division as already made,

“That ministers, local and travelling, of every grade and office in the Methodist Episcopal Church, may, as they prefer, remain in that Church, or, without blame, attach themselves to the Church, South.”

There was something else to be done. They had said that,—

“In the event of a separation, a contingency to which the Declaration asks attention as not improbable, we esteem it the duty of this General Conference to meet the emergency with Christian kindness and the strictest equity.”

Under the first resolution they divided; under the second they permitted ministers to unite themselves with either branch of the Church: now they want to carry out what they believe to be right and equitable, in the event of the division for which they have thus prospectively provided on the single contingency of the action of the Southern conferences. They say, then, according to the third resolution, that if, by a vote of three-fourths of the members of the annual conferences, such an alteration be made in the sixth restrictive rule as will give power to the General Conference to appropriate the fund in question to other purposes than those indicated by the rule, then a certain portion of that fund is to be distributed between the Methodist Church north of the line of division, and the Methodist Church south of the line of division. Then, when you come to the 9th resolution,—because the 4th, 5th, 6th, 7th, and 8th, are only provisions as to the manner in which this equitable distribution is to be made,—you find it provided, that all the property of the Church in the Southern section of the Church—in meeting-houses, parsonages, colleges, schools, &c.,—shall belong absolutely to the Church, South, organized under the authority of the first resolution. When you come to the 12th resolution you find that the action of the annual conferences is only to be demanded on the 3d resolution—the changing the sixth restrictive article in the constitution of the Church, and on no other part of the Plan.

I come now to the third point, and in arguing it I have a right to assume, as proved, these propositions:—1st. That the Conference of 1844 had a right to divide the Church, as they did divide it, prospectively, according to the first resolution in the Plan of Separation; 2d. That that division was to depend alone upon the action of the Southern conferences; 3d. That under that authority the Southern confer-

ences did act and the Church was divided. Now, the question is, What is to be done with the property? There were different kinds of property belonging to the Church. There was a local property, such as meeting-houses, colleges, and schools; and its locality, the division being made, was to give title to it to the Church within whose limits it was located. There was another kind of property—the property in this Book Concern, amounting to about \$750,000, and the chartered fund. Unlike the meeting-houses, parsonages, and schools, which were local property for local Church use, this was a general property in which all had a usufructuary interest, and it came into existence by the joint efforts of the North and South. It had, during its existence, from first to last, been administered by all for the benefit of all. That is to be borne in mind. It was, by express stipulation in the law of the Church, property held for all alike, South and North. What is the effect *per se* upon such a fund of a constitutional division of the Church, to whom, as an entire body, the funds belonged antecedent to the division? Why, one who is not astute would be at a loss to imagine any possible ground upon which it can be denied, that in the case of common property, belonging at first to the whole, to which each had the same title, and in which each had the same interest, that property must go to each ratably in the event of a legal, constitutional division of the whole into parts. Why, it would not be honest if it were otherwise. I do not mean to say, that these gentlemen admit they are dishonestly keeping the fund,—God forbid that I should say so,—but they say substantially, there is an inherent equity attaching itself to the funds and belonging to each of the two divisions into which the association is thus constitutionally and properly divided, that such fund shall belong ratably to each division. They think that in order to carry out the perfectly equitable distribution of the fund, with a view to the protection of the trustees, who are the holders of the fund, a change of the sixth restrictive article was necessary. But why did they hold that it was advisable to change the sixth restrictive article, in order to be clothed with the authority to authorize or to direct the trustees to appropriate the fund ratably to the two divisions of the Church? I am not left to say that the reason is obvious, because honour, and honesty, and justice demanded it; this very Conference say so; the very men who are now holding the funds say so, if they were members of the Conference. In the Plan of Separation they say,—

“In the event of a separation, a contingency to which the Declaration asks attention as not improbable, we esteem it the duty of this General Conference to meet the emergency with Christian kindness and *the strictest equity*.”

Therefore, annual conferences, change the sixth of the restrictive rules, so as to allow us to do it, and we will pay to the South what we say in equity the South is entitled to.

Having demonstrated, as I hope, the constitutional authority to divide, exercised by the passage of the first resolution in the Plan of Division; I say, that looking to the character of the fund, the only conceivable ground, and the only ground that has been presented against a division of the fund is, that the Plan itself agrees to a division only in the contingency of an agreement upon the part of the annual conferences to change the sixth restrictive rule, which applies to the administration of the fund. Let us see, as lawyers and as honest men, where that would lead us, and lead these gentlemen, who are undeniably as honest as others. A division of the Church has been brought about constitutionally; that division, as we contend, independently of the particular mode provided in the Plan of Separation for the division of the fund, would have given to each of the branches of the Church, organized under the division, a right, upon general principles of equity, which a court of equity will ad-

minister, to participate ratably in the fund. That is the Southern argument. The other side say, that as there was provided in the Plan of Division a mode of distributing the fund, that mode cannot be now adopted, because the contingency upon which it was to be operative has not happened—that is, because the annual conferences did not assent to the change of the restrictive rule, the law of the land is to be overruled, the powers of the Court are to be limited, the principles of equity by which the Court is governed are not to be enforced and do not apply. Does it not lead us to these conclusions? You gentlemen of the Conference have tried to be honest, but the annual conferences will not permit you to be honest; you have endeavoured to do equity, but the annual conferences will not permit you to do equity; you have brought about a condition of things which, but for your trying to be honest and endeavouring to do equity, would have made it the duty of this Court to make you honest and equitable, but now the powers of the Court are gone. Why, is not this absurd?

Title to a share of this fund, under the terms of the 3d, 4th, 5th, 6th, 7th, and 8th resolutions of the Plan of Division, we have not made out, because that particular appropriation depended upon a change of the sixth restrictive article; but if, without a change of that article, a division of the fund on principles of equity entitles each party to a ratable proportion of the fund, then we make out title because of the division. If we are right, let us inquire how that division was brought about. Our friends on the other side say it exists in the nature of an agreement. That is a great mistake. In the sense of the term “agreement” which would be applied to the particular Plan of Separation, it was no agreement at all which was to be enforced, *qua*-agreement, through the instrumentality of any tribunal vested by the laws with power to enforce *inter partes* agreements. That division was brought about by a law pronounced by a constitutional body vested with authority to legislate on the subject. It operated of itself, and by itself became of the constitution of these two Churches, without the aid of any judicial tribunal, or any general law upon the subject. The division authorized by the first resolution of the Plan was a legislative act made to depend only upon the terms of that act. If we have succeeded in satisfying your Honours that the body passing the resolution had a legislative right to adopt it, then it was a legislative act made to depend, by the authority of that adequate legislative power, for its effective operation upon the single contingency of the action of the conferences in the slaveholding States, that being a condition, and it was *eo instanti* law, not agreement. Now to say that a legislative body owning, in its legislative capacity, for the benefit of its entire constituency, property, and authorized by its legislative power to divide that constituency into two bodies, do not give, by the act of division, to each of the two bodies an equal right, according to numbers, to participate in the property, is to say that the power of dividing into two is a power which must necessarily work wrong and injustice to one. That cannot be so.

May it please your Honours, there rests here, in the laws which you are bound to administer, under the chancery jurisdiction with which you are clothed, coextensive with the entire English chancery jurisdiction, an authority to see in every exigency in which man may be placed towards each other that justice is done. If the case can be brought before you in the form of a case, within the meaning of the term “case,” as you find it in that part of the Constitution of the United States which devolves the judicial power upon the courts of the United States, and if the present case between the complainants and the defendants entitles the complainants to relief, upon principles of equity, they must have it. Is not that our condition? It was our fund before 1844 as much as the defendants’; it was the proceeds of our

exertions as well as of theirs ; it was our right to participate in it to the same extent that it was their right. We have now, by the body of our mutual choice, in whom was rested our entire, original, and inherent power, agreed to divide ourselves. Then, the fund goes—but where ? Suppose we had possession of the fund, the North would not be entitled to it, if they are right in holding it now against us. I could prove, and by argument just as strong as that which has been presented on the other side, that the Southern Church is *the* Methodist Church, within the meaning of the term as we have had it from the counsel on the other side. The division has sprung out of no innovation on our part. We stood upon the law of the Church on the particular point, slavery, which led to that division—that law as was declared in 1808, 1812, and 1816, and re-affirmed in 1840. You, the defendants, have violated that law ; you have stepped off the platform ; you are the seceders, we are the Church. If the fund was in our hands, precisely upon the same process of reasoning upon which our learned friends rely, for the purpose of showing that the exclusive right is in the Northern branch of the Church, I could, unless I mistake myself, demonstrate that the entire right was in the Southern branch of the Church. But there is a fallacy in such an argument. It does not depend on the agreement to divide, if the effect of division, constitutionally brought about, gives a right to divide the fund. Can anything be plainer ?

If the constitution of this Church as formed in 1808—and I have endeavoured to show the Court that it substantially and almost in terms said it—had given in so many terms to the Conference which might assemble in 1844, in the contingency of a state of things existing in 1844, such as did exist, authority to divide the Church ; and it was a part of the same constitution that with reference to this fund it was to be administered as a fund belonging to one Church, could anybody doubt that each branch would have been entitled to a share of the fund in the event of division. A contrary doctrine would make the constitution effect a high moral wrong.

I know the tribunal I am addressing. I know that it is not necessary to caution such a tribunal against falling into the error into which the counsel on the other side have fallen, of confounding the right to participate in this fund on the part of the complainants consequent on the division, as a legal result growing out of the fact of division, with the right to participate in the particular mode pointed out by the Conference beforehand, for the purpose of enabling it to divide the fund in the event of division. If I had not the declaration of these gentlemen themselves in the Conference of 1844, that equity demanded an equal participation of the fund between the two branches, the words which instinctively dropped from the counsel would have demonstrated it. My learned brother who spoke first on the other side, devoted some fifteen or twenty minutes to the purpose of vindicating his clients against what was, he said, apparently a graceless position, in which they appeared to be agreeing to divide the Church and holding on to the funds. My brother who followed him yesterday told your Honours, and I have no doubt told you what he supposed to be true, because he seemed to be fully impressed with the equity on which our complaint rests, that if time had been allowed all would have been right. Time can do a great many things ; but if it was able to accomplish the end which we are now seeking, through the instrumentality of a court of justice, it was too slow for the wants of the age. They divided in 1844 ; we are now in 1851. Seven years have passed away, and they still hold on to the fund with a grasp which threatens, as far as depends on them, to be perpetual. Time seems to be no remedy. After the division was effected, were our superannuated preachers, their wives, widows, and children to wait until these gentlemen could be enlightened as to the existence of their obligation of distributing the fund ? How long were they to wait ? They

might hope on and die while they hoped. Such, too, was the instinctive sense of the justice of such a division of the fund here at the North, that, although the public mind was to a great extent poisoned upon this subject, we came within 242 votes of having such an alteration of the sixth restrictive rule as would have made it the duty of the trustees to administer the fund; and that was an alteration which was to be sanctioned by three-fourths of all those voting. We came to the Conference of 1848 at Pittsburgh, in the person of our commissioners, appointed under one of the provisions of the Plan of Separation, to bring about an equitable division of this fund. These commissioners wrote them a letter, dated Pittsburgh, May 11, 1848:—

“To the bishops and members of the General Conference of the Methodist Episcopal Church in General Conference assembled.

“REV. AND DEAR BRETHREN,—The undersigned commissioners and appointee of the Methodist Episcopal Church, South, respectfully represent to your body, that pursuant to our appointment, and in obedience to specific instructions, we notified the commissioners and agents of the Methodist Episcopal Church, of our readiness to proceed to the adjustment of the property question, according to the Plan of Separation, adopted by the General Conference of 1844. And we furthermore state that the chairman of the Board of Commissioners of the Methodist Episcopal Church informed us they would not act in the case, and referred us to your body for the settlement of the question, as to the division of the property and funds of the Church. And, being furthermore instructed by the General Conference of the Methodist Episcopal Church, South, in case of a failure to settle with your Commissioners, to attend the session of your body in 1848, for the ‘settlement and adjustment of all questions involving property and funds, which may be pending between the Methodist Episcopal Church, and the Methodist Episcopal Church, South,’ we take this method of informing you of our presence, and of our readiness to attend to the matters committed to our trust and agency by the Methodist Episcopal Church, South, and we desire to be informed as to the time and manner in which it may suit your views and convenience, to consummate with us the division of the property and funds of the Church, as provided for in the Plan of Separation, adopted with so much unanimity by the General Conference of 1844.”

What do you suppose was the answer received from that Conference then in session? No answer at all. To this communication no reply was received. But, says my friend who closed on the other side, why do you not wait? There are two modes in which, in the opinion of the eminent counsel who represent the defendants in this controversy, this controversy might have been avoided. One says, submission; the other, time—wait. When did we file this bill? The letter which I have just read, was in 1848. We went almost *in formâ pauperis*, certainly in the form of Christian poverty and Christian meekness, to ask the Conference to pay over the fund. That was May 11, 1848. To that letter, which was signed by “A. L. P. Green, C. B. Parsons, L. Pierce, Commissioners, John Early, Appointee,” as stated already, no reply was received. Here was almost the last resort; it has failed. These Southern Christians—if they can be Christians, being from the sunny South, where some seem to suppose there is something in the heat of the atmosphere that burns out Christianity—had failed to get what these very Northern gentlemen said it was right, and just, and proper, and equitable they should have; had failed to get that which almost three-fourths of all the annual conferences said they ought to have; had failed to get that which I venture to say nine-tenths of the laymen of this Church feel, and know, and say they ought to have. Then, as that resort, which, thank God never fails, they come to a tribunal which is clothed with the sacred office of doing justice between man and man. Upon the 15th of June, 1849, they filed this bill. What indications were there between the adjournment of the Conference of 1848, and the filing of this bill, which gave to those whom I represent

the slightest reason to imagine that there was to be any justice done them—that waiting would do any good ! Why, look to Proofs No. 2, at the report made by the committee on the state of the Church in the Conference of 1848, at Pittsburgh ; see if in every line of it the South are not denounced as seceders and schismatics. They adjourned with the words of censure upon their lips. No subsequent General Conference could be assembled until 1852. The counsel who preceded me intimated that, possibly, if we had delayed until the assembling of the Conference of 1852, such a light would have been shed upon the members of the Conference who would then be convened—the sense of justice which animated them in 1844, the instincts of equity which came from their hearts in 1844, would be so awakened again—that they would, either cheerfully or by compulsion, carry it out, by giving to us that which they themselves admitted to be our right. Let those believe that who can.

I pass to the consideration of the fourth and last point, and upon which I have but a very few words to say. Suppose there was no authority to divide constitutionally, so as to be binding of itself, as a mere act of constitutional legislation—or that the division was made upon a condition in relation to this property which has not been fulfilled—are we not still entitled to the fund ? What is the attitude of the defendants ? How does the Conference of 1844 stand ? These gentlemen are but the successors of that Conference, in one sense. In 1844 they told the South, “ Gentlemen, a state of things now exists in the Church which, you say, if we remain together, will render the Church in the South useless. If our doctrines are acted upon in the administration of the Church, we believe, as you say, the Church in the South will be annihilated ; we know that if the doctrines which you claim to be the true doctrines upon which the Church should be administered are right, and be carried out, the Church in the North will be annihilated. Now, we have got power to divide—we will divide. We cannot live together under the same form of government which has heretofore blessed us, but our objects are the same ; the spread of the holy Gospel is the aim of each of us ; the bringing of salvation to fallen man is the pursuit of each of us ; the carrying out of the injunction of God to preach unto all nations, under the delegation of his authority, in whom all power in heaven and on earth was vested, is upon each of us ; and as we have got a right to divide, it is, as we think, under the circumstances, our duty to divide, to exist as separate organized bodies—we will divide.” We of the South, confiding, plain, simple, and unenlightened men—it is only for the sake of the argument I am willing to admit it—thought here was all sincerity and fair-dealing, honour and honesty, the promptings of a high religious obligation. They divided. They go home and organize themselves into a separate Church ; and the moment they do that, their former Christian brethren say, “ Now we have gotten you off, we will hold on to the property.” Is that honest ? They have got rid of us because they said and made us believe that they concurred with us in thinking there was an authority to divide the Church, and to share equally in the property of the Church.

A word or two fell from my learned brother who opened this case on the part of the defendants, which sounded strangely on my ear. He said that after some personal inquiry out of the case, as well as in the case, as it is disclosed on the record, he thought there were persons who voted for that division under the belief that by the authority over the fund, given by the power to refuse to change the sixth restrictive article, there was to be found a power to keep the South in the Church. I am sure I do not wish to do that gentleman, or his clients, injustice ; I hope that I am incapable of it. He said that no member who voted for the Plan of Separation had any idea of voting a division of the Church ; that the agreement to divide was intended to prevent a division. In connexion with the same argument, he suggested

that one of the means to be used for the purpose of preventing it was to refuse to change the sixth article. The power of money was to be brought to bear upon the South. Now they have got rid of us. Whether they know it or not, they ought to have known it ; we had told them division was inevitable ; the bishops had said the same thing ; the Church, almost with one voice, had said the same thing. The question now is, whether by going off with their consent, having been seduced by their asserted power to authorize it, it is honest, in the consideration of a court of equity, to refuse to us any participation in the fund ? I dare not trust myself to argue it. The question answers itself.

Again, I want to know, which is the Church to whom this fund belongs ? Are we not as much the Church as they are ? “ You are not the Church,” say our friends, “ because you have no ecclesiastical dominion North of a certain line ; the Church, in the sense of the term Church, covers the United States.” Well, if the Methodist Episcopal Church is the Methodist Episcopal Church which covers the United States by territorial jurisdiction, where is it to be found ? Neither have they any jurisdiction in the South more than we have in the North. The two sections have destroyed each other. There is no Methodist Episcopal Church, if the position of our friends be correct. The Church existing in 1844 had annual conferences in the Southern States ? The Church which existed in 1848 had no annual conferences in the South. If it be a part of your faith that the bishops of the Methodist Episcopal Church shall have a superintendency over the United States, and preside at the annual conferences of Methodists in the United States, then there is no Methodist Episcopal Church, because your bishops cannot go to the South ; nobody there admits their authority. What is to be done in this state of things ? The Church, according to your interpretation of the term Church, no longer exists ; but the fund exists ; who is to hold it ? The trustees ? They do not pretend to have any right to it. For whom, then, are they to hold it ? For those to whom it originally belonged. Who are they ? Who are they ? Travelling, supernumerary, and superannuated preachers and bishops, and their wives, widows, and children. You bring them within the class of persons who, according to the terms of the original trust, are entitled to participate in it. If I am right in assuming that, if their doctrine be correct, the Methodist Church is extinguished, and no longer exists, then there are no travelling, supernumerary, or superannuated preachers or bishops to whom the fund can be applied. The trustees, however, are to give the benefit of the fund to somebody ; keeping it for themselves is out of the question. To whom, then, in such a case, is it to go ? Suppose it was a trust fund, created by certain original founders. Then it goes back to the founders, if they are living. The charity, to use the language of the law, has lapsed ; the interest in the enjoyment of the fund by the original founder is reinstated and revived ; he is to have the fund from the trustee ; the trustee is not to have the fund upon the failure of the existence of the *cestique* trust to whom the interest of the fund was alone to be appropriated. Now the donors, or rather the founders, of this fund were the preachers of the original Methodist Episcopal Church. It is theirs or their successors’ Equity, as I suppose, as there is to be a division of the fund, distributes it equally among the donors in the relative proportion that each has contributed, as compared with all. Then, if each of these donors living in the South agrees that the Southern Church shall be the trustee of their part of the fund, and the donors in the North agree that the Northern Church shall be the custodiary of their proportion of the fund, the Court can divide the fund between the Church North and the Church South, under this bill.

My learned friends cited some books for the purpose of showing that the particular relief which we ask for, under this fourth proposition, could not be given. Your

Honours are not to be told that it is perfectly immaterial what is the special prayer of the bill. The bill looks to such a division of the fund as the Plan of Separation of the Church contemplated. Where there is a general prayer in a bill, and a case made by the bill entitling to particular relief, but not to the particular relief prayed for, the Court can grant, under the prayer for general relief, the particular relief to which the party shows he is entitled. It has been so decided over and over again. The last decision on the subject was in the case, before the United States' Supreme Court, of *Taylor and The Merchants' Insurance Company vs. Baltimore Insurance*, where the doctrine which I have laid down was asserted as a familiar doctrine of equity pleading,—9 Han. Sup. Court Rep., 390.

May it please your Honours, I am about to leave the case, and I shall do so with a word or two, by way of expressing a hope, in which I am but cordially uniting with my brothers on the other side, and which I as earnestly entertain, that this controversy may be settled. To say the least of it, it does no good, it has done no good, it can do no good. The members of this Church at the North cannot desire as men, as honest Christian men, to hold on to this fund. The very defence which their counsel make for them shows there would be something in such an act revolting to each man's sense of justice. Is it, then, too much to hope that the government of the Church, North, as well as of the Church, South, may be enlightened by the discussion this case has undergone, and by the decision which your Honours are to pronounce upon it? Is it too much to hope that each will be forced to see in the state of opinion in the Church and out of the Church, of all patriotic and Christian men of every denomination, the necessity of being roused to the consequences to result to the cause of religion itself from a continuance of this unhappy discussion, and be awakened to the very imminent hazard,—I am no alarmist, and, God knows, no disunionist,—to the very imminent hazard to which they subject the institutions which we have all so much reason to prize? Is it too much to hope that, when they see the certain consequences to their "beloved Zion," and the possible consequences to their country, which must result from a continuance of the strife, fatal to their position as men, and distressing to their hearts as Christians, that they will be brought, even in advance of your Honours' decision, or as speedily thereafter as can be, to terminate this angry and profitless contest, and to restore, in a spirit of fraternal love, to the Church the Christian principles and spiritual blessings which have heretofore made it the idol of its own worshippers, and the wonder and the pride of the Christian world?

His Honour, JUDGE NELSON, after consultation with JUDGE BETTS, said:—

Some time will probably elapse before the Court will be able to take up this case and give it the examination which it will deserve and require at our hands, preparatory to a decision in the case. Our term business is pressing upon us, and, so far as I myself am concerned, I shall be compelled very soon after I leave this Court to go into another, where I shall be engaged until mid-summer. My associate, I have no doubt, will be equally pressed in his particular department. Some time will necessarily elapse before we shall be in a condition to go into a consultation and examination of the case, preparatory to a final decision. In the meantime, we cannot resist the desire to express our concurrence in the suggestions that have been made by the learned counsel on both sides, that it would be much better for the interests of this Church, for the interests of all concerned, if, after a full and fair investigation, both of the facts and the law of the case, the parties could amicably take it up, and, by the aid of friends and counsel, come to an amicable decision of the controversy. In the

meantime, before the case is finally taken up and disposed of by the Court, we cannot entertain any doubt, that after the full and fair investigation that has taken place of the controversy before us, whatever may be our final decision in the case, whether upon the one side or the other, an amicable, friendly adjustment of the controversy will be, and must necessarily be, more satisfactory to all parties concerned ; and that the good feeling and Christian fellowship of the different sections of the Church will be much better by an amicable and friendly adjustment of this controversy than by any legal disposition of it by the Court.

We may also add, perhaps, that whatever may be, or may have been, the doubts entertained by the parties, or by their learned counsel, as it respects the power of the agents who have charge of the subject-matter of the controversy to make a final and legal disposition of this unfortunate controversy, there can probably be no reasonable doubt but that an amicable, and equitable, and honest adjustment made by the representatives of the different branches of the Church, with the aid of their counsel, sanctioned by the Court, would be a binding, and valid, and final disposition of the whole controversy.

We have deemed it our duty to make these observations at the close of the argument, not only from the fact that there will be necessarily some delay in the decision of the case, but in response to, and in sympathy with, the suggestions made by the learned counsel on both sides.

Extract from 7 Ben. Monroe's Reports, p. 507.—(See p. 289.)

“We come then to the case actually existing, in which, according to the assumptions under which we are now considering the subject, the Church, instead of dividing itself into ‘the Methodist Episcopal Church, North,’ and ‘the Methodist Episcopal Church, South,’ leaving no residuum under the name simply of ‘the Methodist Episcopal Church,’ has sanctioned the independent organization of the Southern conferences, and, under that sanction, the Maysville society or congregation has been placed under the jurisdiction of the Methodist Episcopal Church, South. But is there any difference, so far as the rights and jurisdiction of the Southern Church are concerned, between the case as it actually occurred and the supposed case of a division of the original Church into the Methodist Episcopal Church, North, and the Methodist Episcopal Church, South? Does the fact, that there still remains a portion, whether small or large, of the original body under the original name of the whole, invalidate the separation or the rights of the separating portion? Could the remaining portion of the original body re-assert, in the name of the whole, the jurisdiction which had been renounced by the whole, or revoke the assent which the whole body had once given to the independence of the separating portion? Certainly if the whole body had power, by its assent and co-operation, to legalize the separation and independence of a part of itself, the remaining portion of the original body, though retaining the original name of the whole, would have no power, after such assent had been given and acted on, to undo, by its own mere will, what the entire body had authorized. Whatever else may be implied from the identity of name, it cannot give to the present Methodist Episcopal Church a jurisdiction which the original Church had alienated.”

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